

0009

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Buchholtz, John F.

**DATE:**

05/13/92



4382

0010

POOR QUALITY ORIGINAL

Witnesses:

*James H. H. H.*

Counsel,

Filed

1892

Pleadg

THE PEOPLE

Degree.

Arson in the [Section 48, Penal Code.]

*John T. Buchholz*

DE LANCEY NICOLL,

District Attorney.

*Part 3, May 24/92 to fix a day for trial. U. M. D.*  
A TRUE BILL.

*Charles Cathin*

Foreman.

*Part 3, June 24/92*

*Tried and convicted*

*anyone 1st day 10.*

*J. J. 12/4/92*



0011

POOR QUALITY ORIGINAL

Witnesses:

James H. H. H.

Counsel,

Filed

1892

Pleads,

THE PEOPLE

vs.

John F. Buchholz

F

John F. Buchholz

DE LANCEY NICOLL,

District Attorney.

Part 3, May 27/92 to fix  
a day for trial. U. M. D.  
A TRUE BILL.

John F. Buchholz

Foreman.

Part 3, June 27/92

Indictment returned  
at New York 10-12-92

12-14-92

Arson in the  
[Section 48 Penal Code.]  
Degree.

0012

POOR QUALITY  
ORIGINAL

-----X-----X  
In the Matter of the Inquiry into  
the sanity

-of-

JOHN BUCHHOLTZ,  
a defendant convicted of the crime of  
Arson in the first degree.  
-----X-----X

Before

WILLIAM J. LARDNER, Esq., and

FREDERICK P. FOSTER, M.D.

Commissioners.

-----  
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-----

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0013

POOR QUALITY  
ORIGINAL

-----X  
: In the Matter of the Inquiry into  
: the sanity of  
: JOHN BUCHHOLTZ,  
: a defendant convicted of the crime  
: of Arson in the first degree.  
: P  
-----X

APPEARANCES:

WILLIAM J. LARDNER, ESQ.,

Commissioners.

FREDERICK R. FOSTER, M.D.

Mess. Purdy & McManus, Es-

Attys for the Defendant

Charles E. Simms, Jr., Assistant District Attorney for  
the People.

The Commissioners above named having been  
duly appointed by order of Hon. Frederick Smyth, Re-  
corder of the City of New York and Judge of the Court of  
General Sessions of the Peace in and for the City and  
County of New York, by order bearing date the 13th day  
of June 1892 to inquire into the sanity at the time of  
the examination of John F. Buckholtz, now confined in  
the Tombs prison, under conviction of the crime of  
arson in the first degree having severally taken the

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POOR QUALITY  
ORIGINAL

oath of office as required by law and duly notified Hon.  
De Lancey Nicoll, District Attorney and Mess. Purdy &  
McManus, attorneys for the defendant of the time and  
place of executing this commission, proceeded in the  
presence of the defendant to execute the same at the  
District Attorney's Office, No. 32 Chambers St., N.Y.  
City, at 11 A.M. on this 27th day of June 1892. .

The Proceedings was adjourned to <sup>June</sup> ~~July~~ 28th 1892 at  
2 P.M. at same place.

- - - - -  
New York, <sup>June</sup> ~~July~~ 28th 1892.

The Commission met pursuant to adjournment.

Appearances :

WILLIAM J. LARDNER, ESQ.,  
FREDERICK P. FOSTER, M.D. Commissioners

PURDY & McMANUS, Esqs., Attys. for the Defense  
CHARLES E. SIMMS, Jr. Esq., Deputy Assistant  
District Atty. for People

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POOR QUALITY  
ORIGINAL

CHARLES K. MAGHE, M.D. a witness called and duly  
sworn testified as follows:

BY MR. MCMANUS:

Q You are a practicing physician in this City ?

A Yes sir.

Q And how long have you been such ?

A About ten years.

Q And now physician at the Tombs ?

A Yes sir.

Q And as such you have had the defendant in charge ?

A Yes sir.

Q You have seen him daily ?

A Not daily--not since he has been at the Tombs.

Q When he was in the Tombs, that was the first time you  
were called upon to make an examination of him ?

A Yes sir.

Q You had a conversation with him, doctor ?

A Yes sir.

Q Lasting how long ?

A About three quarters of an hour.

Q He has been bound with straps for two or three weeks--



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POOR QUALITY  
ORIGINAL

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since his conviction ?

A So, I understand.

Q Do you know--have you any personal knowledge--from passing his cell ?

A I have seen him around; and seen his hands with straps on.

Q On whose direction was that done-- who directed straps to be put on him ?

A Of that I am not positive. Evidently one of the physicians of the prison--most likely, Dr. Chetwood, who was in charge while I was away.

Q Since his conviction the prison authorities have kept him under restraint during all that time ?

A Yes sir.

Q State the result of your conversation with him.

A Well, I had him brought into our private office and I examined him as to his physical and mental condition. He spoke in an irrational way.

BY MR. SIMS:

Q Say what he said, doctor; characterize it.

A He talked to me about his father; Looked at me and



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POOR QUALITY  
ORIGINAL

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said "You look very much like my father." I said "Where is your father" He said, "I don't know". "Why do you think I look like your father?" He said my eyes were like his---generally speaking the facial characteristics were the same, only I did not have a long whiskers like his father. I asked him how many fathers--had he but one father and he said that he had two fathers. I asked him if his father was in this country and he said he did not know where he was. He might be in this country. I asked him whether he was alive; he did not know. I asked him if he was dead; he did not know.

I asked him regarding his trial of which he was convicted. He told me he did not know how it came out.

MR. McMANUS: He blamed his counsel.

THE WITNESS: He rather blamed his counsel.

He did not understand why he was detained in the Tombs. He did not give any special reason for being there. He said he did not know what they were going to do with him. Seemingly did not have any appreciation of his surroundings or what was to become of him.

Q Did he assign any reason for being taken in the

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POOR QUALITY  
ORIGINAL

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hospital cell ?

A He could give no other reason than that his teeth was troubling him. I endeavored to bring that out and that is the only reason he gave--or I could get from him. That his teeth were troubling him ;; didn't know why he went down there and why we had straps on him.

Q Did you examine his physical condition ?

A Yes sir.

Q How did you find that ?

A His physical condition certainly had elements that are indicative of his mental condition.

Q You have talked with him prior to his being brought here ?

A Yes sir. He referred to the same thing. He spoke again about his father and my resemblance to his father and he does not give any connected history of his doings. Seemingly, as I say, has no appreciation of his surroundings or what is to become of him, or why he is here.

Q What would you say as to his present mental condition ?

A I would say he was mentally incompetent.

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POOR QUALITY  
ORIGINAL

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Q Insane ?

A Yes sir.

THE PRISONER: I am not insane; I have my  
perfect reasons.

BY THE COMMISSIONER:

Q Does the prisoner understand the object of his being  
brought here ?

A I don't believe--at least I did not state it to him.  
I don't believe the keeper that brought him in stated  
why he came here.

Q The question was asked as to his physical condition.  
You started to answer, when something drew your atten-  
tion from it; what is his physical condition ?

A His heart action is accelerated very much and his pupils  
are--not now, under the influence of the light--his eyes  
yesterday afternoon and yesterday evening were exceed-  
ingly dilated.

Q As to cutaneous sensibility ?

A I examined him yesterday and today and discovered  
there was direct---electricity.

Q Do you know whether or not he is obedient to discipline.

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POOR QUALITY  
ORIGINAL

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A Very rebellious.

Q Do you know of the occasion of strapping him.--does he ?

A He has no appreciation of that; his mind in that respect is ~~is~~ a blank.

Q Of your own knowledge do you know ?

A I know having seen him after this occurred. It occurred during the night, I understand. I looked over the records at the prison yesterday, and it seems he became extremely violent. He aroused the whole prison by his cries and continuous howling. Physically it took two men to hold him down and it became absolutely necessary for fear he would do injury, to strap him .

- - - - -  
CROSS EXAMINATION by MR. SIMMS:

Q Doctor, you say you never saw him before his conviction ?

A No sir; oh, before his conviction ? I am not positive as to that.

Q It was not until that night he showed these symptoms-- became troublesome and rebellious ?



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POOR QUALITY  
ORIGINAL

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A I understand so.

Q Did you notify him when you first ~~saw~~ saw him that it was an examination as to his mental and physical condition?

A No; He had some little appreciation; someone else must have told him. I did not tell him.

Q Did you say he realized he was convicted of the crime of arson?

A I endeavored to get his family history from him as to whether he was married or single man. He told me he was a married man. As to other family history and hereditary history, I could not obtain anything about it.

Q Did you ascertain what his occupation was before the arrest?

A I do not remember that I asked him--I possibly did.

Q Anything said about his being a sailor?

A No; I do not remember it.

Q Where did he say his father was from?

A Some place in Germany--rather indefinite; he did not

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POOR QUALITY  
ORIGINAL

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know exactly where--might possibly be in this country--  
might possibly be in Germany.

Q He had not seen him for years ?

A He hadn't seen him for years.

Q Didn't know whether he was alive or dead ?

A He did not seem to appreciate that; no sir .

Q Your examination then, doctor, has been confined to the  
last two days ?

A Yes sir.

Q As to his mental condition ?

A Yes sir.

Q You examined him yesterday as to his mental condition,  
and to day, a short time ?

A Yes sir.

Q Doctor, what, in your opinion, is the form of insanity  
~~from~~ <sup>that</sup> which he is suffering from ?

A I think he is suffering from dementia.

Q Caused by what, doctor ?

A Caused by mental incapacity.

Q What is the direct cause of it ?



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POOR QUALITY  
ORIGINAL

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A I am not prepared to say, in this case.

BY THE COMMISSIONER (To the prisoner)

Q How old are you ?

A Twenty eight.

Q Were you ever arrested before ?

A I was arrested in Providence , R.I.

Q What were you charged with there ?

A Drunk.

THE COMMISSIONER: His left pupil is a little  
dilated now, is it not, doctor ?

DR. MAGEE: Yes.

Q Have you any brothers or sisters in this city ?

A Yes sir.

Q Where do they reside ?

A My wife lives in College Point, L.I. with my brother in  
law.

BY MR. SIMMS:

Q With your brother in law ?

A Yes sir.

-----  
Further examination adjourned until Thursday,  
June 30th 1892, at 2:30 P.M.

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POOR QUALITY  
ORIGINAL

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New York, June 30th 1892.

Commission met as per adjournment.

:PRESENT: As before.

JAMES MITCHELL, a witness called and duly sworn  
testified as follows:

Q BY THE COMMISSIONER:

Q Now, Marshal will you please make your statement.

A I would state that this fire occurred---I think it was  
on the--Inforget the date. It occurred in this man's  
premises about seven o'clock in the evening.

Q Where were the premises ?

A 346 East 49th street; 2nd floor.

Q When ?

A I think it was in the latter part of April, as I recol-  
lect. This man was found upon investigation to be t he  
occupant of the rooms. He was on the premises at the  
time and gave the alarm to the people in the house, and  
then leaving the house he disappeared. He took no part

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POOR QUALITY  
ORIGINAL

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in putting out the fire as the testimony shows, except as to his own statement. None of the witnesses had seen him take any part in it, and after the opening of the rooms he did nothing toward extinguishing the fire. He was insured for \$700. Nobody say him. The fire occurred under the bed in the bedroom, and in a closet, the doors of which were closed.

BY MR. SIMMS:

Q In the same room ?

A Yes and under a washtub in the kitchen (the intermediate room) and in the sitting room, and the evidence and an examination of the premises show that the door between the sitting room and the intermediate room was closed, so that the fire burned it on one side and not on the other. There was no connection between any two of the fires.

BY THE COMMISSIONER:

Q How many families were in the house ?

A Twenty.

Q He lived where ?

A He lived on the second floor.

Q X Did he occupy rooms there with his family ?

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POOR QUALITY  
ORIGINAL

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A Apartments. His wife was absent. He had left his business early in the day. He had come home and was gone out again, as he says. He asked his wife, as was proved, for money before she went out. She refused to give it to him. He had pawned some articles previous to the fire ostensibly to get a certain jacket--a waiter's jacket, I think. If I make a mistake, Mr. McManus, please correct me. He went to a poolroom, instead of getting the jacket and drank. He said he was lounging in the intermediate room when the fire occurred. He said the lamp was in the sitting room and had exploded. He said it (the fire) had started in that room, had burned across the surface of the carpet, across the kitchen over certain crash or something he had on the kitchen floor and into the bedroom, and had started a fire there.

When the persons entered the rooms, within a minute or two after the alarm was given, there was no fire visible in the intermediate room--none whatever; After a second visit they discovered fire in the intermediate room under the wash tub. There was no fire on the crash, and no connection.



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ORIGINAL

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When the first witness entered the rooms there was no fire in the intermediate room. There was no fire anywhere seen extending across that crash, until on the third visit. Then a witness saw a little fire moving from the bedroom over the crash towards the room in which he (Buchholtz) said the fire first started. Those were substantially, Mr. McManus, the facts of the case, if I have not made any mistakes.

MR. MCMANUS: I suppose the record of the evidence of the trial has what you said; he was convicted

A He was arrested; the property was worth very much less than the insurance.

Q BY THE COMMISSIONER:  
Was he arrested immediately after the fire?

A He was not arrested for some days after the fire. I think he was arrested on the third, the following Tuesday, after the fire, because I wished to get the sworn testimony of the witnesses who were in the rooms--I sat through the trial and examined him at my office. He had a long examination in the police Court, at which Mr. McManus was present and was tried in the General Sessions when Mr. Purdy was present.

The defendant, after the evidence for the people was in went on the stand and testified.

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ORIGINAL

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At no time, up to his conviction, was there any suspicion that he wasn't a sane man.

BY MR. MC MANUS:

Q Do you recollect, Marshal, what occurred in the 57th street--standing up while the examination was going on and talking excitedly. It just occurred to me now when you said there was no evidence of his insanity.

A I recollect he got up and stated something in a rather excited manner.

Q He wasn't on the stand then ?

A No, while the examination was being conducted he got up and ~~stood~~<sup>spoke</sup> up, and the magistrate called him to order. He was inclined during the examination to interrupt by objections <sup>to</sup> the testimony of the prosecution. He went on the stand at General Sessions and told his story. He admitted all those things---If I am wrong Mr. McManus---

MR. MC MANUS: I was not present.

THE COMMISSIONER: He is sworn.

A He admitted all those things that were -- that didn't tell against him and denied all those things that told against him. As far as I am concerned, I have not a



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ORIGINAL

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particle of feeling against the man. If the man is insane he should be in an insane asylum; if he is not insane, in my opinion he should be punished.

BY MR. MC MANUS:

Q Were you present when he was arrested ?

A No sir.

Q How long <sup>after</sup> ~~was~~ his arrest did you see him ?

A I saw him before the arrest.

Q Before the arrest ?

A Yes sir. I took his statement in my office.

Q Did he appear to be rational when you took the statement from him ?

A Perfectly rational; he told me all the circumstances; described how the fire occurred; told me the amount of his insurance and handed me the policy.

BY THE COMMISSIONER:

Q Nothing indicated he was out of his mind at that time ?

A Nothing occurred during the whole <sup>progress</sup> ~~duration~~ of the case <sup>to indicate that</sup>

Q At the time he was arrested was he under the influence of liquor ?

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ORIGINAL

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A Under the influence of liquor ?

Q Yes.

A I think not; I am not positive, I was not present when he was arrested.

Q Did you inquire as to his character in the neighborhood ?

A As far as I could ascertain he was a man who did not attract any particular notice from anything he did.

Q Did you have a chance of examining the wife ? The woman that claims to be his wife ?

A I never examined her.

Q Did you see her ?

A Yes, in Court.

Q Did you have a talk with her ?

A No sir, <sup>I</sup> only ~~to~~ <sup>heard</sup> her testify in Court.

Q Did any person ever intimate or say that before his conviction he was insane ?

A Never.

Q The first time you heard it was claimed he was insane was after he was convicted ?

A Yes sir; after he was convicted.

Q You saw him at the trial; you were present at the trial?

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POOR QUALITY  
ORIGINAL

A I conducted the examination before the police magistrate and was present during the whole trial here.

Q Did he appear to take any active part with his counsel ?

A He advised his counsel.

Q Mr. Purdy ?

A Yes sir.

Q He was on the stand ?

A Yes sir.

Q And he answered questions put to him by counsel.

A Intelligently, and, as I say, admitted those things that did not tell against him and denied those that did tell against him.

Q At no time did he admit he was guilty of the crime ?

A At no time admitted he was guilty.

Q You have no feeling one way or the other against him ?

A None whatever.

BY MR. MCMANUS:

Q Marshal, you do not pretend to be an expert in insanity ?

A Certainly not sir.

BY MR. SIMS:

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POOR QUALITY  
ORIGINAL

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Q You are merely testifying to the facts in the case ?

A As I ascertained them and believe them to be.

BY THE COMMISSIONER:

Q And as you saw them ?

A Yes sir.

Q Mr. Mitchell is the fire marshal ?

A Yes sir of the City of New York.

Q You have exclusive charge of all fire cases ?

A My duties are to examine into the circumstances attending every fire occurring in the City of New York. If I am convinced that there is evidence that a fire is of incendiary origin it is my duty to present the facts to the District Attorney, in order that they may be brought before the Grand Jury---

Q And that is simply what you did in this case ?

A Or it is my duty to bring the prisoner before a police magistrate and have an examination; that is what I did in this case.

Q You say that in the house where the fire occurred there were twenty families ?

A There were about that number.



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POOR QUALITY  
ORIGINAL

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- Q Approximately ?
- A Approximately.
- Q You had a conversation with the parties in the house ?
- A The principal witnesses were occupants of the house.
- Q Did any person you have examined, who resided in the house say at any time they observed the man to be insane ?
- A There was nothing said, or any suggestion of it.
- Q With all the persons you spoke did any one give you to understand he was insane or seemed to be insane ?
- A No sir.
- Q Did his wife ? This woman who claims to be his wife, appear to be a rational person ?
- A Yes sir.
- Q Nothing the matter with her ?
- A No sir.
- Q How old a person is she ?
- A I should say a little older than himself .

BY THE COMMISSIONER: What is your age, prisoner ?

THE PRISONER: 28.

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POOR QUALITY  
ORIGINAL

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BY THE COMMISSIONER: What is your wife's age ?

THE PRISONER: Two years older than me.

BY MR. SIMS:

Q You say those you examined never mentioned or spoke to you about his actions being rational or irrational ?

A Never an intimation; <sup>of the sort</sup> the first intimation I had that the man was not of sound mind was, I think, a day or two days after his conviction. Then I was told that he had developed ~~org~~shown signs of insanity.

BY THE COMMISSIONER:

q By whom were you told ?

A Some person in this office; I don't recollect who it was; it was a matter of general report.

MR: SIMS: Probably the assistant who tried the case.

A Very likely.

BY THE COMMISSIONER:

Q An unprejudiced person ?

A As far as I know.

BY MR SIMS:

Q That was obtained from reading the newspapers, wasn't it?



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ORIGINAL

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A No sir; I think the information had come from the  
Tombs, and I think some person in the office told me.  
I had a conversation with the defendant in the other  
room and I find he has a clear recollection of the  
circumstances in the case.

MR. MC MANUS: If you are not in a position  
to testify as an expert I object to this.

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POOR QUALITY  
ORIGINAL

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JOHN K. BUCHHOLTZ, the defendant, without being sworn was examined and testified as follows :  
BY THE COMMISSIONER:

Q You say you are 28 years of age ?

A Yes sir.

Q How long have you ~~lived~~ lived in this City ?

A I am in this City for May last year.

Q Where did you reside prior to that time ?

A A sea faring life.

Q What stemship were you on ?

A The Old Dominion between New York and Galveston ; stay  
ed there for sixteen months.

Q What were your duties aboard ship ?

A Cook and steward.

Q Where were you born.

A Germany.

Q When did you leave Germany ?

A Thirteen years ago.

Q You were working all the time up to the time of your  
arrest ?

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POOR QUALITY  
ORIGINAL

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A Yes sir.

Q At the time of your arrest what were you doing ? Out  
of employment or employed ?

A I was employed.

Q Employed where ?

A The Windsor Hotel.

Q What were you doing there ?

A Waiter.

Q How long had you been employed there ?

A Not long.

Q How long ?

A Three weeks.

Q You know what the charge against you is, don't you ?

A Charge ? I suppose---

Q No; I asked you the question; answer me fairly. Do  
you know what you are charged with in the Court of  
General Sessions here ?

A Arson.

Q You understand what that means, don't you ?

A It means setting fire to a place.

Q Did you set fire to any place ?

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POOR QUALITY  
ORIGINAL

B3

A No sir.

Q Did you set fire to this particular place ?

A No sir; I did not.

Q When you were arrested what did the police officer say you were charged with ?

A The detectives told me ---his name, I suppose---

Q Never mind his name. What did he say you were arrested for ?

A I says to him---he says to me, come down and see the adjuster. I said I had no time. I just brought my clothes to the Chinese Launder and left it there; I went upstairs and dressed myself--I just had a bath-- and walked down and they were waiting for me--Mr. Freel, Assistant Fire Marshal.

Q Did the detective tell you you were under arrest ?

A No sir; not until we got to 49th street and Second Avenue, [he showed his badge---

Q After he showed you the badge what did you he say you were arrested for ?

A He said "It looks very bad".

Q What did he say; that you were arrested on the charge of arson ?



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POOR QUALITY  
ORIGINAL

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A No sir.

Q State exactly what the detective said and you to him.

A I said to the detective "Who is it, Mr. Miller?"  
Sebastian Miller is my adjuster". He said "I do not know. His name is Miller; I do not know whether it is Sebastian". He said "It is alright. It looks very suspicious; I must put you under arrest. I said "What is it looks suspicious; I can't help it; I didn't cause the fire; how it started, I don't know."

Q In other words, you denied you were guilty of the charge

A Yes sir; of the charge of arson.

Q After you were arrested you were brought before the magistrate ?

THE COMMISSIONER: This is to test his memory.

A Yes sir.

Q Do you remember who was the magistrate ?

A Justice Ryan.

Q Where was the Court ?

A 57th street.

Q What Avenue ?

A Between Fourth and ~~Fifth~~ Third Avenue.

Q Was Mr. Mitchell present at the time ?

A Yes sir, at the time.

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POOR QUALITY  
ORIGINAL

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Q Did you hear Mr. Mitchell make a charge against you ?

A Mr. Mitchell said "There was no getting out of here; you will go to Sing Sing".

Q Did you see Mr. Mitchell make a statement to the Police magistrate ?

A No sir.

Q Did you hear him make any statement to the police magistrate ?

A Yes sir.

Q Sure of that ?

A I am sure.

Q Did you say anything ?

A I am sure.

Q No; Did you say anything ?

A Yes sir.

Q When, after the marshal had spoken ?

A After Mr. Freel had spoken.

Q That is Mr. Mitchell's assistant ?

A Yes sir; he charged me with the crime; not Mr. Mitchell.

Q Did you see Mr. Mitchell sign any paper there ?

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POOR QUALITY  
ORIGINAL

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A No sir.

MR. MITCHELL: It was not made on the day of  
examination; it was before.

BY THE COMMISSIONER:

Q Did the judge ask you any questions ?

A Yes sir; He said "Are you guilty?" I said "No; can I  
get bail" He said "I must see----" Previous to that  
Mr. Freel asked him whether he could hold me on the  
charge. He said he could hold me under suspicion of  
the crime of attempted arson.

Q The judge said this ?

A Yes sir; Judge Ryan.

Q Do you remember the date when it is claimed you commit-  
ted arson? the month ?

A Yes sir; the 27th of April.

THE COMMISSIONER: Is that right, Mr. Mitchell?

MR. MITCHELL: Yes.

Q On that day were you drunk ?

A I had three or four glasses of beer.

Q Were you in the habit of drinking alcoholic liquors ?

A No sir; very seldom I drank to excess.

Q Your father and mother--are the dead or alive ?

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POOR QUALITY  
ORIGINAL

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B7

A My mother for years---for mother is living.

Q In Germany ?

A Yes sir.

Q Have you any brothers or sisters there ?

A Yes sir; three step children on my mother's side.

Two girls and one boy--one sister and one brother.

Q Are they all in Germany now ?

A Yes sir; they are in Germany.

Q Didn't you say you had a brother here ?

A I have a brother here and a sister.

Q Where does the brother live ?

A He is supposed to be in Paterson.

Q Where does your sister live ?

A In College Point.

Q Married lady ?

A Yes sir.

Q Is your brother married ?

A Yes sir.

Q When did you see your brother last ?

A The first week.

Q Since you were arrested ?



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POOR QUALITY  
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A Since I was in the Tombs.

Q Do you remember what conversation you had with him

A I says to him: He said something to do with a young girl; he went to Germany to get rid of it; I was mad. I told my wife and my sister that I would slew him if he came to me again.

Q In other words you had a bitter feeling towards your brother ?

A Well.

Q You were not friends ?

A If he came to me and apologized to the young girl I would forgive him.

Q You felt angry on account of his conduct toward the young girl ?

A Yes sir.

Q Where does that young girl live now ?

A I don't know. I never saw her.

Q How do you know he was guilty of wrong towards this young girl :

A He says so himself.

Q Tell you in person or by letter ?

0044

POOR QUALITY  
ORIGINAL

B9

30

A He told my sister.

Q Your sister told you ?

A Yes sir.

Q You have been a sailor all the time until lately ?

A Yes sir.

Q What were you doing since you stopped going to sea ?m

A Yes sir.

Q Have you been working as a waiter ?

A Yes sir.

Q How long have you been working as a waiter ?

A Some time.

(At this stage, prisoner cries)

Q How long have you been a waiter; look me in the eyes  
face.

A From August until September.

Q Last September ?

A No sir; September a year ago, I guss; no, this September.

Q Last September ?

A Yes sir.

Q What was your first engagement as a waiter ?

A That was my first engagement .

0045

POOR QUALITY  
ORIGINAL

B10

Q At the Buckingham ?

A Yes sir.

Q Previously you had been a sailor ?

A Cook and steward.

Q Work on board ship ?

A I had been waiting; I was quick in learning, I could almost do anything; when I was home I put a hold in the wall for a stovepipe and fixed it up myself.

Q You are a jack of all trades ?

A Yes sir.

Q What sort of people have you been throw in with on board ship; what were the sailors ?

A First class.

Q What nationality were they ?

A There was Irish and Norwegian and some German; I didn't think there was any Frenchmen on board except Allan, he was a cook. I gave him ten dollars to take me back to New York as a passenger. He made me buy tobacco in Key West and looked for all the money I would give him. He grossly insulted me several times.

Q How ?

0046

POOR QUALITY  
ORIGINAL

B11

32

A Always after me. When we came to New York I shook hands with him. I told him I was American. I was afraid he would illuse me somehow. We came to New York and he asked me, he said "Are you German" I said "Yes, German American; I did not want to say I was German sometime after. Six or seven months after I met him in West St. in a saloon. He said to me "Take a drink with me" and I said, "You take a drink with me." He said "No, I will not do that". He heard me talk German to the bartender. He said "Are you German"? I said, "Yes, I am German" and I said "I am not prejudiced against any class of people". He refused to drink. I said "You refuse to drink because I am a German; it hurts me; I don't believe it is right for any person to feel like that after the war is over.

Q This was a Frenchman ?

A Yes sir.

Q Your name is Buchholtz ?

A Yes sir.

Q What does that mean in English--Buchholtz ?

A I don't know.



0047

POOR QUALITY  
ORIGINAL

B12

33

Q Well what does holtz mean ?

A Wood.

Q And Buch ?

A Buck ? That is book.

Q Well 'Bookwood' that doesn't mean anything; isn't it  
"boxwood" ?

A No sir; I made napkins that way (illustrating) that  
came like that on a plate. I could make it if I had  
my hands free, and stand them up like that, you know.

Q But that has not anything to do with Buchholtz.

A Nop they asked me. Someone seems to speak to me all the  
time; it seems to me I have got to do such a thing.

Q When did that occur to you ?

A When I was in the hospital.

Q What hospital ?

A In the Tombs.

Q How long were you in the hospital ?

A That afternoon before I went to Court my teeth for  
some time had been aching and it seemed someone came in  
the cell in the night and took the filling out of one of  
my teeth.

0048

POOR QUALITY  
ORIGINAL

B13

34

Q That is what you dreamed ?

A No sir.

Q That really occurred?

A That occurred, that I know; someone came and took something--some medicine. I know there was rats and mice; small rats and mice around me all the time.

Q In the Tombs ?

A Yes sir; and in the bed: I was afraid of them. There is a man there too; this person came to watch me, I guess. He never slept with me in the daytime.

Q He was your fellow prisoner ?

A Yes sir.

Q He was a spy ?

A Yes sir, a spy.

Q In whose employment do you think he was ?

A The District Attorney.

Q Do you think so ?

A Yes sir.

Q The District Attorney would not do that. There must be someone else.

A I don't thin so.

0049

POOR QUALITY  
ORIGINAL

35

B14

Q It must be some foreign government ?

A It might be.

Q The Russian Government, do you think ?

A No sir. I don't know. It seems to me something comes in my mind when I was a little child.

Q Tell me about that ?

A I said that thing before. I thought about something I can't go back to the same thing. It is about an insane man. If an insane man commits a crime of murder, or a man in a passion, and not able to control it, and commits murder in that condition, I don't think it is right for him to be hung.

Q There is no question about that.

Q If his government wants to take him, not being a citizen of the country he should be sent back.

Q Even if the crime was committed here, eh ?

A Yes; if he is not sane; I don't think the government ought to hold him; let his government take hold of him.

0050

POOR QUALITY  
ORIGINAL

36

B15

Q Do you think his government would take care of him ?

A His mother Government should.

Q Do you think of Government of his own country would care to take him back ?

A If she took pity on him .

Q They don not generally, do they ?

A I do not know; I never had any experience.

Q Never known of a case ?

A No sir.

Q What made you shed tears a moment ago--anything particular ? I didn't hurt your feelings did I ?

A Someone said my brother was short.

Q Somebody said your brother was short ? I didn't hear then.

A No sir; somebody said I was in hostage for my brother.

BY MR. SIMS:

Q What do you mean by that ?

A If a government wants to raise a war they can do it by shooting a man supposed to be insane for the crime

of murder or anything like that. If the consul of that country put a flag around him and dared the county to shoot him I suppose there would be war.



0051

POOR QUALITY  
ORIGINAL

37

B16

Q What is if they did such a thing ?

A Yes sir.

Q Who told you your brother had been shot ?

A I don't know?

Q When were you told ?

A To myself.

Q When ?

A A good while ago; there was an old man there.

Q And old man ?

A He came to me. The man that watches me now I believe is the same man.

BY THE COMMISSIONER:

Q You don't mean the same man in your cell ?

A I do not know.

BY MR. SIMMS:

Q What did he say ?

A He always asked me about my childhood; about things in the slaughter house.

Q Why did he ask you about the slaughter house ?

A I don't know.

Q What does he say ?

0052

POOR QUALITY  
ORIGINAL

38

B17

A He put a pigs head on my hat.

Q In your cell ?

A No sir; on my head.

Q Where did he get the pigs head ?

A Under the bed.

Q Did you see him take it from under the bed ?

A Yes sir.

Q What did he do with it ?

A He put it on my head; he punched me sometime when my head was open.

Q Where was it open ?

A It was open all around.

Q Was that while he had the pigs head on you ?

A Yes sir.

Q Did you see into it ?

A There was something about olden times. I suppose in England they call it 'swinecup'

BY THE COMMISSIONER:

Q They call it that name in England ?

A I don't know; that is all I heard it called.

0053

POOR QUALITY  
ORIGINAL

B18

39

- /Q What would they call it in America ? Pig's head ?
- A They never use that. That say 'sauerkraut'
- Q Did he take it off ?
- A I threw it off into the bed. I wrapped it up; my hat was crushed outside.
- Q You say you wrapped it up ?
- A Yes sir.
- Q Did he put it over your hat ?
- A No sir; on the back of my head. He knocked my hat in on my head; there was something in the hat; it kind of stunned me like; at night there was one keeper there-- he is there now at night--he would like to get at me again.
- Q What did he do ?
- A He used two brass knuckles on the top of my head.
- Q Did you see the brass knuckles ?
- A Yes.
- Q Did he hit you on the head with him ?
- A Yes.
- Q What did you do ?
- A I fell in the corner of the bed; next morning it was

0054

POOR QUALITY  
ORIGINAL

B19

bespattered with brains and blood ?

Q You saw brains ?

A No, I didnot see the brains; it was everywhere wet around.

Q With what ?

A With soft stuff; slimy stuff; I was insensible.

Q Did you ever look under the bed for the pig's head again ?

A Yes sir.

Q Did you see it again ?

A Yes sir; a quite a while.

Q Did you see it there today ?

A No sir.

Q When did he first put it on you -before or after the trial ?

A When ?

Q Yes.

A In 14---or three weeks after I was arrested.

Q Has he ever taken this pigs head out from under the bed since you were convicted here ?

A Yes sir; since I was convicted in Part 3.

Q Has he ever taken it out again ?

Q Yes sir, it was taken out one night.



0055

POOR QUALITY  
ORIGINAL

B20

Q What did he do that night ?

A Taken away.

Q Who took it away ?

A Some of the keepers.

Q Did you see it taken away ?

A Yes sir.

Q What did he have the pigs head for ?

A I don't know; for some political reasons, maybe. They had me there as a prisoner.

Q Political reasons ?

A I suppose so; I don't know.

Q What had you done ?

A I saw a young man there name Sliney, you know ?

Q Yes.

A And he asks me "You are not guilty; you say they can't convict you?" I say "No; they can't put me under \$10,000 bail". He said "Suppose you are convicted will you dare go down there ? " I said, "Yes; I dare to go down there; that man is crazy; I will go."

Q Where ?

A In the innocent pen.

0056

POOR QUALITY  
ORIGINAL

B21

Q Where ?  
a In the innocent pen; I am not afraid. I said I would  
go down there.

BY MR. MCMANUS ?

Q You are alright now ?

A Yes.

Q Why did they keep those things on there ? The straps ?

A I don't know; they are afraid of something.

Q When did they first put them on ? (indicating handcuffs )

A When I first came to the Tombs.

Q Have they got any other style ?

A They have another with a knot here (indicating) There  
was a man there he wanted to take them off. I asked  
the keepers to take those particular bracelets off from  
him and let me have them for him.

Q Why did you want to wear them for him ?

a I took pity on him. He was wriggling around; I thought  
I could take them off.

Q How long did you have the straps on ?

A There was two different locks; I had one pair of locks  
and then they took another.

0057

POOR QUALITY  
ORIGINAL

B22

Q Who put them on you ?

A Whoever it was then. A person I could not recollect.

Q What did they put them on you for ?

A The Knights of Pithias I called to my defence. For anything like that I thought it was just to put them things on me to make me crazy.

Q Are you a member of the Knights of Pithias ?

A Yes sir.

Q Whom did you call ?

A I called Mr. Lawrence.

Q What position does he occupy in that order ?

A He is the Vice Chancellor.

Q Did you see him ?

A He was down there with the Grand Chancellor when he was here in New York City. He asked me if I knew him and I said "No". He knew Mr. Lawrence. They had a lawyer by the name of Levy; he was a jew. He wanted \$250. Rk First he wanted \$500. I said I could not raise that amount of money. My wife has thirty or forty dollars and I sent the keeper but the keeper made mesign a

0058

POOR QUALITY  
ORIGINAL

24

receipt for a dollar before he would go it/ Mr.  
Freel said I couldn't notify my wife and he would not  
notify my wife. Mr. lenz promised to notify my wife  
right away but did not do it.

Q Buchholtz, when did you last see your father ?

A He was in bed in Bremen.

Q Where ?

A In Bremen.

Q You left him--where did he go ?

A He died.

Q What was the matter with him ?

A Stricture; some lung trouble. He had a kind of belt  
or belt on at night. Weakness of the bladder.

Q Do you know whether he was ever in jail ?

A He bore a best name.

Q Was he ever in an insane asylum ?

A No sir; none of my people.

BY THE COMMISSIONER:

Q Do you understand why we are asking all these questions?

A My wife called on a german to get me out of this scrape--  
--this scrape of arson.

Q Do you know why you are here today ?



0059

POOR QUALITY  
ORIGINAL

B25

A Maybe this is a representative of the French Government,  
I don't know.

Q Were you told before you came down here today, Buchholtz?

A No.

Q Now listen: Were you told by your keep the object of  
your coming here today?

A Something about hurting a country?

Q You never did such a thing, did you?

A no sir; I said in case of war I would go to Germany  
if the Government allows me. I would not like to fight  
against Germany if I could help it. I am a citizen  
and honor would tell me to fight against Germany in case  
of war.

Q What makes you think there is a possibility of war  
between Germany and the United States?

A I think there was a riot in this City and somebody  
jumped behind me on Third Avenue and some man thus keeps  
me today. I fell in the street and hurt my head.

Q Why do you suppose we have got you here today?

A I don't know, sir.

0060

POOR QUALITY  
ORIGINAL

46

B26

Q You don't know ?

A No sir.

Q You don't know at all ?

A No sir.

Q Have you been informed by your counsel, or do you understand that the Court of General Sessions have appointed Dr. Foster and I as a commission to examine into your soundness of mind. Have you ever been informed of that fact by Mr. Mc Manus, your counsel ?

A No sir.

Q Or by Mr? Purdy ?

A No sir.

Q Or by the keeper that escorted you from the Tombs ?

A No.

Q When you were here the other day didn't you know what you were here for ?

A No sir; today ? No sir. I don't know.

Q Did you know the other day---when you were here before ?

A No sir.

Q Did you have a conversation with Mr. Mc Manus about us gentlemen meeting here ?

0061

POOR QUALITY  
ORIGINAL

B27

47

A No sir; only what I saw in this room.

Q Do you know what you were before Dr. MaGee for ?

A Is his name Magree?

Q The gentleman that was here.

A He asked me how I felt and I told him----

Q What was his reason for asking you ?

A There was a gentleman that asked him whether I could stand certain tests. He said of the mind, you know.

Q Before the fire.

A Yes.

Q Who was ~~that~~ gentleman ?

A His name is Mr. Crossman.

Q What is his business ?

A I don't know. He told me he was---

Q An adjuster ?

A No.

Q You really do not know why you were here ?

A No.

Q You don't ?

A No sir; I do not.

0062

POOR QUALITY  
ORIGINAL

B28

Q Where does your wife live ?

A In some house.

Q Do you know where she lives ?

A I was told she lived--she told me she lives in College Point.

Q When did you see your wife last ?

A This noon.

Q To day ?

A Yes sir.

Q Did she tell you then where she was residing ?

A She told me she was staying with my brother and brother in law and sister.

Q In College Point ?

A Yes sir.

THE COMMISSIONER: We will suspend the examination of the prisoner and examine Mr. Skelly.

-----



0063

POOR QUALITY  
ORIGINAL

49

S1

TIMOTHY SKELLY, a witness called and duly sworn  
testified as follows:

BY THE COMMISSIONER:

Q You reside in New York City ?

A In New York City.

Q You are one of the keepers in the City Prison ?

A Yes sir/

Q Do you know John Buchholtz, the prisoner, now present ?

A I know him to see him--that is all.

Q How long have you known him ?

A A month and a half or two.

Q All of that time he has been confined in the Tombs ?

A Oh, he has been there longer than that. He was transferred from the second tier.

Q You looked after him.

A Yes sir; every day.

Q Tell the commissioners here what you have observed about this prisoner.

A I could not say I observed anything only he seems to go around foolish.

0064

POOR QUALITY  
ORIGINAL

S2

Q Tell what you noticed; how does he pass his time ?

A We had straps on him. He would sit on his bed. Sometimes all day. He wouldn't go around acting right. He would sit down and stand up and wouldn't say a word to anybody.

Q How long after he came under your observation did it become necessary to put straps on him.

A As soon as he came down.

Q What for ?

A I don't know; I didn't think there was anything the matter with him, but the morning the man hurt himself, he threatened to do the same thing.

BY MR. SIMS:

Q What did he say ?

A He said he would get rid of himself or something like that. We took him down stairs and watched him.

Q That was when Barney Woffel that was indicted for arson ~~murder~~ the second degree was convicted ?

A Yes sir.

Q He hurt himself.

A Yes sir; the next morning he said he would do the same thing. Then he hollered.

0065

POOR QUALITY  
ORIGINAL

S3

51

Q What did he say, anything?

A He was on the tier upstairs; they brought him down to me and put these things on him; He said nothing to anybody; one day ---

Q They put straps on him ?

A Yes sir; he would grab everything and pull it out. Go a to the watercloset and turn the water on and we put the strap on him to keep him from doing damage.

Q Did he attempt any violence to the keepers or any prisoner in the cell?

A No sir.

BY THE COMMISSIONER:

Q When they talk to him does he comprehend what they say ?

A Yes sir. He jumped out of the wagon one say and he knew me before I did. He surprised me.

Q Did he ever tell you about the pig's head being in his cell.

A Not that I remember.

Q Did he complain to you that anybody having beaten him ?

A No sir.

Q Is it a fact that a keeper had beaten him ?

0066

POOR QUALITY  
ORIGINAL

52

S4

A Oh, no sir.

Q Have you heard of a fellow prisoner beating him ?

A No sir.

Q B Y MR. SIMMS:

Q Does any of the keepers have brass knuckles ?

A No sir.

Q When you find occasion to put a man in straps do you deal with him harshly ?

A No sir; he was just like a child just born; he laid his hands out like that (illustrating) Like a child two years old. We were only afraid he would do damage. We took them off to let him go to the watercloset. He had them on all the time afterwards.

Q You watched him.

A Yes sir; all the time.

Q Did you permit him to use a knife and fork ?

A No sir; no one is allowed to use a knife and fork in the cell: There is only a basin and a tin cup. That is taken out.

BY THE COMMISSIONER:

Q He is not regarded as a safe person.



0067

POOR QUALITY  
ORIGINAL

53

S5

A Only we were afraid he would commit suicide.

Q Wouldn't it be policy to go without the straps ?

A No sir; we watched him day and night and he had the straps too---

Q You thought he was a little demented?

A Yes sir.

Q From his acts and declarations which you have observed is he in your opinion, rational or irrational ?

A Of course he does not act as though he was rational. He acts more like a simpleton than anything else. I can't say he is for I don't know.

Q No; I am merely asking you if what he says and does is he in your opinion, arrational.

A He doesn't act as though he was rational. I never speak to him. I told him to do a thing and he did it.

Q Did you hear him say he would commit suicide ?

A No sir; that was upstairs; that was the reason they brought him down.

Q He told some of the keepers ?

A Yes sir.

Q Is it a fact that the night he came in the prison he kept everybody awake ?

0068

POOR QUALITY  
ORIGINAL

54

S

A I don't know; I wasn't on there that night.

Q What is his name ?

A I don't know; it may be Casey. I heard some one hollered. When he heard this man hung himself he hollered and he was brought down. If he hollered in the night I would not know anything about it until 7 o'clock.

Q Does he ever make a noise ?

A No sir; every once in a while he will holler 'oh'

Q You say he was strapped because he acts peculiarly ?

A He is harmless but he grabs everything; we must have them on to keep him quiet; we can't hold him. He couldn't hurt anybody. He is harmless in his actions.

Q You don't know how he sleeps ?

A He sleeps in the daytime; he don't do much walking; he lays down.

Q Does he sleep ?

A I don't know; he lays down.

Q Does he hold any conversation with his fellow prisoners ?

A No sir.

Q In the hospital department ?

A He is in the hospital--yes sir.

0069

POOR QUALITY  
ORIGINAL

S6

55

He will talk if we talk to him, but he will never open the conversation.

Q Are you mistaken when you say he is in the hospital ?

A In the cell; they are breaking it up now; he is in the one next to it now.

Q He is not in the hospital proper ?

A There is only two hospital cells.

Q His counsel has called my attention to the fact that he is not on the hospital.

A He has been in the hospital cell all along. He is out of it while they are fixing it. There is the same attendance there; there are two cells in the hospital; there is only one there now.

Q Does he walk around like other prisoners ?

A He goes out but does not walk. He walks up one or twice up and down.

Q Are the straps on him in the Court yard ?

A Yes sir in the corridor.

Q You have seen him in conversation with the other prisoners ?

A Yes sir when they talked to him.

0070

POOR QUALITY  
ORIGINAL

56

S7

Q He never opened the conversation ?

A No sir.

Q Did he show any symptoms described before his conviction?

A He was not in my charge before he was convicted. He was on the other tier.

Q Who had charge of him before ?

A Mr. Donnelly or Mr. Evers had charge of him. He was convicted some time before this and after this occurred he was transferred down to our tier where the convicted persons are.

Q Was the reason of his transfer from the upper tier to the lower because of his conviction or his actions.

A His actions; he wasn't safe; and they had to watch him.

Q It had nothing to do with his conviction ?

A We don't remove them from their own cells until they are sentenced by the Court.

Q You don't remove them from their own cells until they are sentenced by the Court ?

A Yes sir.

Q He was removed before being sentenced ?

A Yes sir.



0071

POOR QUALITY  
ORIGINAL

S8

I

5M

Q

It was because of those actions that he was removed from the upper tier to the lower tier ?

A

Yes sir.

Q

For the purpose of---

A

Watching him.

Q

There is always a watch kept over him ?

A

Yes sir; there has been a man watching him day and night. He is never alone from the time he was brought down to the present time.

Q

Is he considered by the keepers demented ?

A

Oh, yes sir. I first thought he was foaling. We always think they are playing off.

Q

Were you ever acquainted with the prisoner before he was brought to the Tombs ?

A

Never knew him until he was brought down.

Q

You have no feeling in the matter one way or the other ?

A

No sir; I couldn't say whether he was playing off or not.

Q

Was Dr. Chetwood there today ?

A

I was talking to him an hour ago.

Q

Was the subpoena served on him.

A

I don't know. He was there before I left there; about

0072

POOR QUALITY  
ORIGINAL

B9

58

fifteen minutes before I came away..

BY MR. SIMMS:

Q I understood you to say in answer to my question that you did not know whether he developed any of these symptoms before he was convicted ?

A I never saw him before he was sent down. You can ask the other keeper.

Q What keeper ?

A Evers or Donnelly.

Q John E. Donnelly ?

A That is one and Evers is the other.

Mr. McManus makes a request which was withdrawn.

- - - - -

0073

POOR QUALITY  
ORIGINAL

59

O<sup>X1</sup>

Commission met as per adjournment.

PRESENT: As before.

APPEARANCES:

P. A. McManus, for the defendant.

CHARLES E. SIMMS, Jr., Deputy assistant

District Attorney, for the People.

JAMES MITCHELL, recalled, testified as follows:

It should be said in justice to the subject in this case, that when he was on the stand, telling his story---

BY THE COMMISSIONER:

Q The prisoner ?

A Yes. After he had told about visiting the poolroom and drinking beer etc. he said, I don't exactly recollect the words but the impression conveyed, did not make any strong impression upon my mind at the time, was that preceding the events for which he was arrested, and of which he was convicted he had some sort of a feeling about his head. Upon reflection---

Q He said he felt dizzy ? I have just been reading the

0074

POOR QUALITY  
ORIGINAL

60

X2

minutes.

MR. MITCHELL: What did he say ?

THE COMMISSIONER: He said he was dizzy but  
not drunk.

MR. MITCHELL: Sort of feeling about the  
head. I thought it was fair to state  
that.

- - - - -



0075

POOR QUALITY  
ORIGINAL

61

X3

EDWARD E. DONNELLY, a witness called and duly sworn testified as follows:

BY THE COMMISSIONER:

Q Where do you reside ?

A 244 East 21st street.

Q You are one of the keepers of the City Prison ?

A Yes sir..

Q Do you know John Buchholtz, the prisoner ?

A I do.

Q Have you seen him here a few moments ago ?

A Yes sir.

Q When did you first see him ?

A I do not remember the day--the day he came under my charge.

Q About when; about how long ?

A About six months.

Q Do you remember seeing the prisoner there before he was convicted in General Sessions ?

A Yes sir. I remember seeing him before he was convicted and after.

0076

POOR QUALITY  
ORIGINAL

62

X4

Q In whose charge is he now ?

A He is now in charge of other keepers.

Q About what time was he under your charge ?

A Before the trial. The day of his conviction-- or the morning after his conviction he was transferred down stairs.

Q Transferred to another tier ?

A Yes sir.

Q Will you state how the prisoner acted prior to his conviction ?

A I noticed nothing out of the way any more than he was afraid of being convicted. We had another fellow there named Woffell who committed suicide -hung himself. The conviction scared him I suppose. I noticed nothing unusual about him before he was convicted.

Q Did you observe anything in the prisoner prior to his conviction that would indicate to your mind he was insane ?

A No sir. Was yrrational and talked rational enough to me but was afraid of being convicted.

Q How long was he in your charge before conviction ?

0077

POOR QUALITY  
ORIGINAL

X6

1

63

A Some weeks.

Q You saw him every day ?

A All the time from seven in the morning/

Q Did you notice any change ?

A I noticed a change and sent him downstairs.

Q Give your observations ?

A We were afraid of having further trouble like Woffell and we thought it would be safer to send him down stairs where he could be watched better and could not commit suicide. They tied him with straps and he has been there ever since.

Q Did he ever threaten to commit suicide ?

A I never heard it.

BY MR. MCMANUS:

Q How did he act after his conviction ? Violent ?

A MR. SIMMS: Ask he how did he act; that would be better.

BY MR. MCMANUS:

Q How did he act ? Did he talk to himself ?

A After he got down stairs I did not see him as often, because he was locked up most of the time down stairs,

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POOR QUALITY  
ORIGINAL

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except when he was walking up and down the corridor at exercising hours. We had a prisoner named James Reilly who was sent to a lunatic asylum--a homicide case. He would be watching his actions and he would ape his actions a good deal.

Q Imitate Reilly's actions ?

A Yes sir; he would go on his knees.

Q Reilly was sent away as an insane person ?

A Yes sir.

Q Do you know whether Buchholtz noticed how Reilly was acting ?

A When he was with me before the trial he could see the actions of Reilly about ten feet down stairs.

Q You mean to say that he did not imitate them until after his conviction ?

A He had no occasion. He was with me but after his conviction I was afraid to keep him upstairs and I sent him down to the first tier.

BY THE COMMISSIONER:

Q Before he was convicted you noticed the prisoner looking at Reilly ?



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POOR QUALITY  
ORIGINAL

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A Yes sir; looking around the corridor they could all see him.

Q You saw Buchholtz trying to imitate Reilly ?

A Yes sir; the same as Reilly did.

Q Kneeling down ?

A Yes sir.

Q Before or after his conviction ?

A After conviction. We kept him upstairs until his conviction and the morning after his conviction I had him transferred down stairs to the hospital cell.

Q Did you notice the prisoner trying to imitate Reilly prior to his conviction ?

A Oh, no.

BY MR. SIMIS:

Q Why did you tie him up ?

A We tied him up for this reason: We send a man downstairs if we are afraid of him; if we think he will attempt to hurt himself we send them down to have the shackles put on him.

Q What led you to be afraid of this man ?

A Because after his conviction he got scared.

Q What did he say ?

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**POOR QUALITY  
ORIGINAL**

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A He was afraid he was going to get twenty years; some-  
thing like that amount.

Q His acts were nothing more than an ordinary person who  
seemed to be afraid of the sentence he was to get ?

A He didn't say anything out of the way when he was with  
me.

Q Did he complain or make any disturbance ?

A No sir.

Q Did he complain of a pain in the head ?

A No sir; I would have consulted with the doctor.

Q Did he complain of being sick ?

A No sir.

Q He was a perfectly tractable prisoner before his con-  
viction, wasn't he ?

A Very quiet; he didn't have anything to say to any-  
body.

Q Only because of the Woffel suicide and his aping of  
this man Reilly that led you to watch him more care-  
fully than in the past, and transferring him from the  
upper corridor to the lower ?

A Yes sir. When down stairs he was not under my care.

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**POOR QUALITY  
ORIGINAL**

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- Q Did he, at any time, yell out and make a disturbance ?
- A Yes sir; down stairs.
- Q When was that ?
- A After his conviction.
- Q How long after his conviction ?
- A It might have been a week or so; I didn't notice anything the matter with him. A lady named Schaffer used to visit him every day.
- Q You noticed he was quite noisy ? What did he say ?
- A I could not understand. He would squeal and holler during visiting hours; the keeper would go to his cell and tell him to keep quiet.
- Q Who was in the cell with him ?
- A There was three or four in the cell with him.
- Q You put two men in a cell ?
- A This is the hospital cell. It is two made into one; there are three cots in it. We call it the hospital cell. It is larger than any cell in the prison.
- Q What period of time did he keep up yelling ?
- A Three or four days .
- Q Then stop ?

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POOR QUALITY  
ORIGINAL

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A A Then --I have not heard him i n some time.

Q Do you now recall anything further ?

A I cannot.

Q Was it while in the hospital cell he would go through the same actions as Thomas Reilly ?

A Yes sir; when he was walking on the corrider, coming out of the hospital cell to exercise.

Q What would he do ?

A Go down on his knees and pray. And feeling with his hands on the floor. He was tied in that mannst; I don't know what he was saying.

Q How long before was Reilly on that corrider ?

A I don't know; I had Reilly with me and sent him down.

Q You say this man was upstairs and could see Reilly down stairs going through his actions ?

A Yes sir; all the prisoners while exercising looked at Reilly going through his actions; he among the number.

Q Did he imitate him ?

A Very good. I remarked to my partner that he took him off very good.



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POOR QUALITY  
ORIGINAL

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Q How long did that continue; you say three or four days he kept yelling- -how long did this continue ?

A Oh, some time.

Q How long ago did he cease ?

A I have not noticed anything since last week. He seems to be alright.

Q Does he take food like the other prisoners ?

A I could not say. Yes; I have seen him with a sandwich in his hand. He eats generally in his cell. From upstairs I would see him walking on the corridor.

Q Did he converse with the prisoners ?

A Yes sir.

Q Freely ?

A Not within the last week .

Q Did he converse freely with them ?

A Apparently.

Q How long are they permitted to be in the corridor ?

A Two hours in the morning and two hours in the afternoon.

Q Haven't you had any conversation with him ?

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POOR QUALITY  
ORIGINAL

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A I have not, not since he left me.

Q From the acts you have seen him go through, and from conversations you have had with him and from conversations you have overheard, is he in your opinion, rational or irrational ?

A Of course I am not an expert.

Q I am not asking you as an expert, but as a layman.

A I do not think he is insane.

Q Has he, to your mind, acted in a rational or irrational manner ?

A Rational, while under my care.

BY THE COMMISSIONER:

Q Mr. Donnelly, by whose order was Buchhold put down stairs ?

A I told the keeper down stairs I wanted him downstairs; I did not want him up there.

Q Why was he sent to the hospital cell ?

A That is the only place to keep him; that is where they keep all prisoners when they might commit suicide.

Q Was it on that account he was sent down stairs ?

A Yes sir.

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POOR QUALITY  
ORIGINAL

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Q You must have noticed something about him before he was sent down.

A I did not notice anything about him except what I have mentioned about committing suicide that night. The night he was convicted he was all broken up. Barney Woffell was convicted of the same crime this man was convicted of in the second degree. He plead guilty/  
BY MR. MCMANUS:

Q You say all these acts of his indicated to your mind that the defendant was sane. Judging from all his actions, hollering etc--all his general actions would it indicate to your mind he was sane or insane?

A I think he was sane what I know of him.

Q You never have had an experience?

A No sir.

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POOR QUALITY  
ORIGINAL

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LENA BUCHHOLTZ, a witness called and duly  
sworn testified as follows:

BY MR. SIMMS:

Q Where do you reside ?

A I stay at College Point.

Q College Point, Long Island ?

A Yes sir.

Q Are you the wife of John F. Buchholtz, the prisoner ?

A Yes sir.

Q How long have you been married to him ?

A 1890, the 18th of November.

Q Were you acquainted with him--how long before you were  
married were you acquainted with him ?

A About three years before that. I kept company with her  
through the summer.

Q When did you first meet him ?

A In his sister's, College Point.

Q When was that ?

A I can't say the exact day.



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POOR QUALITY  
ORIGINAL

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- Q About how long ?
- A Three years before that.
- Q Before your marriage ?
- A Yes sir.
- Q What was he doing at that time ? What was his employment ?
- A Going to sea.
- Q Did you meet him frequently ?
- A I did not meet him again until June 1890.
- Q Then where did you meet him ?
- A Over in his sister's.
- Q Did you see him frequently. during the summer of 1890 ?
- A Yes sir.
- Q Where ?
- A I lived in ~~22~~ 80th street with Mr. Grossman. I was employed there and he came up to see me.
- Q What was he going then ?
- A He was in a shipping office down town. Courtlandt street?
- Q Did you ever notice anything peculiar in his actions ?
- A No sir; he was nervous but nothing more. I did not think anything about it.
- Q When was he nervous ?

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POOR QUALITY  
ORIGINAL

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- Q I noticed last winter when he was under treatment of Dr. Baker. He treated him.
- Q What did he treat him for, do you know?
- A I know he was nervous and had pains in his back. I don't know what he called it.
- Q Where does Dr. Baker reside?
- A He is the Lodge doctor.
- Q Do you know where he lives?
- A In Fourth street; I don't know the number.
- Q When was it he complained of pains in his back?
- A From the day before he came from sea. After we were married he went to sea for four months. He came home and complained about his back.
- Q Did he complain of his head at all?
- A He always had a nervous headache.
- Q Did he get strange at times?
- A No sir.
- Q He did not?
- A No sir.
- Q Did he complain of anything else but his back?

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POOR QUALITY  
ORIGINAL

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- A Only his headache and nervous.  
BY THE COMMISSIONER:  
Q Did he usually eat well--a good appetite ?  
A Not much.  
Q Was he a drinking man ?  
A He didn't drink much.  
Q How did he sleep--quietly? Did he sleep well ?  
A He was kind of sleepy all the time.  
Q I mean nights when he went to bed.  
A Yes sir.  
Q Did he generally sleep through the night ?  
A Yes sir. I don't know whether he slept through the  
night; he slept pretty well.
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POOR QUALITY  
ORIGINAL

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Dr. CHARLES H. CHETWOOD a witness called and  
duy sworn testified as fellows:

BY MR. SIMMS:

Q Doctor, you are a practicing physician, are you not ?

A Yes sir.

Q And have been for how long ?

A Five or six years.

Q A graduate of what ?

A Bellevue Hospital Medical College.

Q You are, I believe, physician to the City Prison ?

A Yes sir.

Q And have been for how long ?

A Two years.

Q As such physician have you had in charge John F.  
Buchholtz ?

A In a general way, as I have all the prisoners.

Q Have you treated him ?

A No sir.

Q When did you first see him ?

A I suppose around the time when he first came in there;



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POOR QUALITY  
ORIGINAL

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A I do not remember the day.

Q Did you examine him as to his physical condition at the time ?

A No sir.

Q As to his mental condition?

A No sir.

Q Have you ever examined him as to his mental or physical condition since he has been in the Tombs ?

A No sir, except in a casual way; I never made any examination.

Q When did you examine him in a casual way ?

A I should say two or three weeks ago.

Q Tell us the result of your examination.

A It was not a sufficiently deep examination to venture an opinion as to his mental condition.

Q What were his actions at the time ?

A Actions of grimaces and gestures; I do not know whether it was feigning or evidences of insanity; I am not ready to give an opinion.

Q Where was he; in the upper corridor or the hospital cell at the time ?

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POOR QUALITY  
ORIGINAL

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A On the lower floor.

Q Is the hospital cell on the lower floor ?

A Yes sir; but he wasn't in that cell.

Q Did you have any conversation with him ?

A I asked him one or two questions, I believe.

Q Do you remember what those questions were ?

A I do not know; I ask them all questions as I go round.

Q You do not remember any response he made to your questions ?

A No sir; I do not.

Q Was his conversation coherent ?

A Rather incoherent.

Q How long did this examination last ?

A Probably five minutes; I had a few words with him.

Q What keepers called your attention to him ?

A I believe the warden told me to look at him.

Q Did the Warden say anything as to his mental condition ?

A The Warden told me to make an examination of him. Not a thorough examination but he wanted to know whether I thought he was violent or not.

Q Did you report to the Warden ?

A I told him I had not made a sufficient examination;

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POOR QUALITY  
ORIGINAL

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He asked me whether he was violent or not; I didn't know whether he was feigning or not. For that reason I presume they gave him the benefit of the doubt and kept the irons on him.

Q This was the report made after one examination of the prisoner ?

A Yes sir.

Q After this examination did you again examine him as to his mental condition ?

A I have not

Q Haven't you seen him since ?

A I have.

Q Have you had a conversation with him since ?

A No sir.

Q Have you heard him in conversation with other prisoners in the hospital cell ?

A He is not in the hospital cell.

Q Where is he now ?

A Cell in the lower corridor; not in the hospital cell; the hospital cell is on the lower floor.

Q What did you notice about this man's actions.

A Simply he made a certain number of grimaces and a cer-

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POOR QUALITY  
ORIGINAL

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tain number of actions; that is all; incoherent in his speech.

Q Will you now tell us, as far as you recollect, what those grimaces and actions were ?

A He simply had a tendency to twitch the face which I thought was active and not involuntary; voluntary not involuntary.

Q Were these grimaces and gestures made while you were watching him alone ?

A While I was alone, no;

Q Only while you were watching him ?

A I didn't try that test at all.

Q Doctor, from the acts of the prisoner and from his conversations and declarations, is he, in your opinion, sane or insane ?

A I do not know, sir.

Q Did you ever examine him after the second examination that you made ?

A I haven't examined him but once and that the little casual examination I spoke about.

Q To your knowledge has any of the prisoner physicians ex-



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POOR QUALITY  
ORIGINAL

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amined him as to his mental condition ?

A There are doctors duly appointed by the Commissioners of Charities and Correction--Commissioners of Lunacy whom I believe had examined him; Doctor Douglass, Dr. Fitch or Dr. Fiels; I don't know which. I believe one of the two have examined him.

Q One or two have examined him ?

A As I understand. I understand Dr. Douglass has examined him. I have nothing to do but with the physical examination.

Q This is hearsay; you don't know who examined him ?

A No sir.

Q Do you, Mr. McManus ?

MR. MCMANUS: Dr. Field.

Q You do not know whether Dr. Douglass did ?

A An expert was making an examination of a prisoner and they made an examination of him.

BY THE COMMISSIONER:  
Q Doctor, if a man is suffering from alcoholism would he be under your charge ?

A Yes sir.

Q Did you have any reason to think this man was ?

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POOR QUALITY  
ORIGINAL

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A No sir; I had no reason to think he was.

Q You thought he was not ?

A I thought he was not.

Q It is not your custom to interfere in cases of mental condition ?

A No sir; I make an examination every day; I do not see every individual prisoner; we take the man, as the cases are reported to the keeper or warden and I am notified. I see it whether they are sick or not.

Q I think you said to Mr. Sims that the warden asked you to see this man with a view of informing him as whether in your opinion, he was violent; I suppose you mean dangerous.

Q Yes sir; that is about it. He simply asked me to have a look at him, as he termed it. He did not want me to go through the formality of an examination? To look at him with an idea of determining whether he was in a dangerous condition.

Q I did not catch the purport of your report to the warden.

A I made an informal report that there was nothing requir-

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POOR QUALITY  
ORIGINAL

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ing my attention.

Q That he was or was not dangerous ?

A That nothing required my attention; he could remain as he was.

Q The specific question that the warden wanted to be reported, you did not report ?

A Not specifically.

Q Were you requested by any person to make an examination-- by the warden or anybody else ?

A Only what I have related; The Warden knows I cannot be asked to make any examination.

MR. MC MANUS: You were avoiding that; that is the reason you kept away from the man ?

A I never did it.

BY THE COMMISSIONER:

Q You are an expert ?

A I am; It is entirely by my own efforts that I was made a Commissioner of Lunacy; it has nothing to do with my present position; I obtained it a year after I was appointed; the position does not require that I should be a commissioner of lunacy. It is not right because I

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POOR QUALITY  
ORIGINAL

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combine the two that it should be saddle d on me. There are men appointed for that.

Q We understood this patient was under your charge; we wanted to know his physical and mental condition if you knew it.

A Who told you he was under my charge ?

Q We understood so from Dr. Magee.

BY THE COMMISSIONER:

Q We call your attention to Doctor Magee's testimony.

The question was put to him: 'Q. You had a conversation with him, doctor ? A. Yes sir. Q. Lasting how long ?

A About three quarters of an hour. Q. He has been bound with straps for two or three weeks--since his conviction ? A. So I understand. Q. Do you know---

have you any personal knowledge from passing his cell ? A

A I have seen him around; and seen his hands with the straps on. Q On whose direction was that done--

who directed straps put on him ? A Of that I am not

positice. Evidently one of the physicians of the prison---most likely, Dr. Chetwood, who was in charge

while I was away." Do you remember whether you gave such



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POOR QUALITY  
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direction ?

A No sir; the warden or keeper uses his own judgment on that.

Q Then the statement of Dr. Magee is not correct ?

A I think he only made a conditional statement.

Q I read again; 'Q. On whose direction was that done-- who directed straps put on him ? A. Of that I am not positive. Evidently one of the physicians of the prison -- most likely, Dr. Chetwood, who was in charge while I was away".'

A I was one of the physicians but there was another man that represented Dr. Magee. I did not order any straps put on; I can answer for myself,

Q Did I ~~ask~~ ask you whether you made a physical examination, doctor ?

A I made a general examination; that is all.

Q What was the result of that examination ?

A I thought the man was rather run down in health; I did not think he was in a poor condition; simply what might be expected from the surroundings .

Q From what little examination you did make would you con-

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sider him an insane man.

A I answered that sir. I say I do not very well feel that I can answer that question with any value.

Q We will have to be the judges of the value.

A I cannot say whether I do or not; I have no positive opinion.

Q You cannot say one way or the other?

A I am inclined to think he is not feigning but insane; That is as far as I can go. The question of feigning required a long examination and tires a man out; I don't care to give that. He may be insane, but the question of feigning, as I say, requires a long examination and tires the man out; I have seen a good deal of that.

Q You have seen this man every day?

A Passing by the cell.

Q Did you observe anything as you passed by that would indicate the man was out of his mind?

A He simply made a noise; I saw him in the cell.

Q Have you spoken to him at times?

A No not as I remember except this time that I spoke of <sup>to</sup> ~~the~~

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INFORMATION CUT  
OFF AT BOTTOM  
EDGE

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Mr. Simms.

BY THE COMMISSIONER:

Q Are you willing to look at this man now and examine him and give an opinion ?

A If the District Attorney authorizes me to act as a Commissioner--yes. I do not want to make a special examination of the man because it is outside my duties.

Q We ask you if you will; we have not the power to make you

A I think I would establish a precedent; I do not want to say no as a matter of courtesy.

Q The circumstances are, this man has been convicted and his counsel wishes some expert testimony and has expressed such a desire; The prisoner has no means of paying for expert testimony and the Commissioners have no power to spend any.

A I think it is the counsel's place to obtain it in some way. I had the same case exactly; Mr. Davis had the case; The doctor employed by the City kicked on the same thing. Mr. Davis put the question to me in the same way. He said he knew he could not make me. I said I did not want to be disagreeable. He promised me if I did he would not establish a precedent and would not put the question again unless the district attorney employed.



ployed me.

Q It is not a precedent with us as we never heard of it before. We took it for granted that you were a physician and that you knew something about this man ?

A I have given my testimony as much as I know. If you want me to make a further examination as a commissioner of lunacy it has nothing to do with my position in the city prison whatever.

THE COMMISSIONER: Will you ask him on behalf of the District Attorney, Mr. Simms ?

MR. SIMMS: I cannot; The District Attorney cannot make any provision for his payment.

MR. MCMANUS: This is a legitimate charge against the county; The District Attorney has the power if he sees fit to get the information; I think it is a county charge in any of the counties of the State

A You cannot get expert testimony out of me unless you call me as an expert.

BY THE COMMISSIONER:

Q We might as well be frank and call you as an expert; We

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understand you made an examination of the man; he was under your charge and a patient of yours.

A I have told you as near as I can what I know, and as fully as I can.

Q Dr. Chetwood, here is the prisoner here; will you kindly tell the Commission whether, in your opinion, the prisoner is sane or insane upon examinations or conversations you have made of him before this day as one of the City physicians, and as one of the physicians of said prison.

A I do not know sir.

(At this stage the prisoner interrupts and he was questioned as follows)

THE PRISONER: It is a question I ought to know; I am sane.

Q BY THE COMMISSIONER:

Q What did you say?

A I don't know, really.

Q You say you ought to know?

A Certainly; I ought to know. I have my mind; I know I can read and write and do anything like that.

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BY MR. SIMMS:

Q You told us the other day that one of the prisoners put a pigs head on your head; did he do that ?

A He did.

Q Did you dream that ?

A No sir; I did not <sup>a</sup>drem it.

Q In the prison ?

A Yes sir; some man there now.

Q What is his name ?

A I suppose it was Mayor Grace.

Q What made you suppose that ?

A I asked him.

Q He was a lunatic.

A Yes sir.

Q He was ?

A Yes sir.

Q What made you think he was a lunitic ?

A Because I knew he was and he has established that.

Q In what way ?

A For instance hw would sit quiet and would make faces every time I felt sick like. I wanted quiet. He would

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thump me on the head.

Q He would thump you on the head ?

A Yes sir

Q From all this you think he is a lunitic ?

A I do. That man has not got his mind. No sane man would kick a man like me ; he would not hit me like that.

Q Is that the only reason you think so ?

A Another thing; I suppose he claims to be my father.

Q Whom did he tell this to ?

A He went outside and came back and was sitting on a low chair, you know, and he says: "Johnny, they say we both go together" I said "Alright, I will go right to Germany", but he wouldn't let me go. He said "You were arrested on the charge of incensing a mob." I thought it was about a strike; he was an anarchist something like that. I thought his name was Moss.

Q I thought you said it was Mayor Grace.

A I wanted to find that out; I couldn't find it out.

I said "Are you Mayor Grace; are you keeping me here?."

"Yes", he said. He said "If I thought you were of low blood I would kill you right here. I said "Why" He



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said for certain reasons". With that he commenced to thump me and I lost reason.

Q What did he thump you for ?

A He used to take a shoe and you know I had a bench there; he would keep that to himself; he took that bench up-- I used to sit on it. He would throw me backward. I fell on him. He would go to work and sit here and I would sit here (indicating) and he would fall against me and I trying to keep him up. He would fall back. He would go back high when he was falling back and throw my head against the wall, and it was just the same way in the bed.

BY MR. MCMANUS:

Q You slept with him ? You and he slept together ?

A I don't think so. I do believe he slept with me when I slept in the back of the wall; he would have his head this way and his feet towards me.

Q Who was that party that came to visit you ?

A What ?

Q Who was he ?

A Yesterday ?

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A There was somebody; the Emperor of Germany was coming to see me.

Q Think it was the emperor ?

A I do not know sir; I aint certain; as long as you know-- he was bald headed.

Q A little bald headed ?

A Very much.

Q Did he come more than once ?

A I only saw him once.

Q Say whether he was coming back ?

A No sir; he said something about keeping me there in the same cell; something about the hospital..

(At this point the examination of DR. CHETWOOD was continued)

THE COMMISSIONER: I think you had better cross examine Dr. Chetwood.

BY MR. MC MANUS:

Q Have you given us all the information ?

A All I know; I am willing to answer all questions.

Q Did you ever have any conversations with him at all ?

A As I already said about five minutes as I remember..

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Q Did he talk coherently ?

A Incoherently.

Q In a rambling manner ?

A Rather rambling.

Q In what condition was his eyes ? Did you notice particularly ?

A Not particularly; same as they are now; a dilation of his eyes.

Q Would that indicate derangement of the mind--dilation of the pupils ?

A Not necessarily.

Q If is not conclusive ?

A No sir.

Q The symptoms of the pupils being dilated ?

A It is sometimes a symptom.

Q Did you visit him every day ?

A No; I did not see him every day. Sometimes I would see him; if he complained I would see him.

Q You knew there was a rumor in the prison--you understood from the warden that this man was a dangerous prisoner; that it was necessary to tie him up ?

A Yes sir.

Q Charged with that information did it become necessary to give him a more than ordinary examination ?

A He was not violent, in my opinion. He did not need any quieting medicine.

Q But it was necessary to put the cuffs on him ?

A That is as far as it went.

Q Isn't that an evidence to your mind that he was violent or likely to become violent ?

A That was sufficient to keep him quiet. A great many have cuffs on them and they don't need a dose of medicine because it is not necessary. If a man is feigning they put cuffs on him to make him stop.

Q From your examination and from your connection with the man and judging from his actions would you say the man was insane ?

A I would not say that positively; I say I am inclined to that opinion. But I would not give an opinion on the superficial examination I made.

Q Well, from such examination as you have made ?

A Can I give an opinion he is insane ? No sir, I would not.

Q



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Q Would you say he was sane ?

A No, nor that he was sane either.

BY THE COMMISSIONER:

Q Do you decline to give an opinion as an expert because you were not summoned as an expert ?

A I do not decline that, but because I have not made a sufficient examination.

Q Will you make an examination now and give an opinion as an expert ?

Q As an expert ?

Q Yes.

A Then I am called in as an expert ? Under those circumstances, yes.

MY. MC MANUS:

Q You listened to his conversation here ?

A Yes; you have no idea what a man can feign. My opinion would not be worth anything on my superficial examination.

BY MR. SIMMS:

Q Do I understand you to say that you have no objection to giving testimony as to his acts and declarations and conversations of this man, but you do object to giving

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your testimony as an expert, not being called as an expert and not receiving any compensation for your testimony as an expert.

A I mean this: I could give my testimony as an observer as I saw it. If you want my opinion as an observer I will give that too, but now as an expert I do not care to give an opinion as to this man's condition.

Q That is your position ?

A Yes sir.

BY THE COMMISSIONER:

Q You mean to say if you were subpoenaed by the County as an expert you would give your testimony as an expert ?

A If I was asked to make an examination of the man as an expert, of course I would; I would understand I was retained as an expert.

BY MR. SIMMS:

Q From the acts and declarations you have testified to, was he, in your opinion, at the time, rational or irrational. I am asking you simply as a lay witness.

A As a lay witness I would say he was insane.

Q Were his acts and declarations rational or irrational ?

A They were certainly irrational. That is simply as an observer I give that, as I would see the man on the

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street.

BY THE COMMISSIONER:

Q You will not testify that the man is insane ?

A No sir; if I testified as an expert you would want to know what form of insanity he is suffering from, the reason for it, etc.

Q Do you want to examine Dr. Magee's testimony ?

A No sir; I do not

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JOSEPH O'BRIEN, a witness called and duly sworn  
testified as follows:

BY MR. SIMMS:

Q You are a keeper in the City Prison ?

A Yes sir.

Q How long have you been keeper ?

A Six years past.

Q Do you know the defendant ~~Joseph~~ F. Buchholtz ?

A Yes sir.

Q Has he been under your charge ?

A Yes sir, not quite a month

Q When did you first see him in the City Prison ?

A I do not remember when he came first.

Q When did he come under your charge ?

A I think the 6th or 8th of June.

Q The 8th of June ?

A Yes sir.

Q Was that before or after his conviction that you had  
charge of him ?

A After his conviction.

Q How long after his conviction ?



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A I think a couple of days.

Q Where was he at that time ?

A On the second tier.

Q A couple of days after ?

A Yes sir; I don't exactly know what day he was convicted.  
I think a couple of days after he was convicted he came  
down on the ground floor.

Q Were you in the Tombs at the time he was brought in after  
his conviction ?

A I do not think I was. I am not positive.

Q On the day after his conviction do you remember seeing  
him ?

A No sir.

Q But you do remember seeing him two days after his con-  
viction ?

A I think about two days.

Q In what cell was he ?

A I think in the hospital cell.

Q Did you have a conversation with him ?

A No sir.

Q Did you hear him say anything ?

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A No sir.

Q Was he strapped or unstrapped at that time ?

A The straps were on him.

Q When you saw him ?

A Yes sir.

Q Did you notice anything peculiar about his actions ?

A No sir.

Q Did you notice anything peculiar about his actions at any time ?

A When he was in his cell.

Q What did he do when you saw him in his cell ?

A Stand in the corner, and go to put him out he wouldn't go; there is an old man there has charge of him?

Q What is his name ?

A Packingham, a prisoner.

Q That is not the murderer Packingham ?

A No sir; he is a committed man.

Q For what ?

A Destitute; gave himself up for a home; the commissioners give him time--a month or three months

Q You say he had charge of him ?

A Yes sir; he watched him in the day time and another man

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night times.

Q What did you say he did ?

A Stadd in the corner.

Q Ugly ?

A No sir; I never saw him ugly.

Q Other than that what did he do ?

A He wanted to go in other people's cells. This man pulled him away and would not let him.

Q Do you remember James Reilly confined in the Tombs on an indictment for murder in the first degree--charged with homicide, recently confined and sent to an insane asylum ?

A Yes sir; a saddler.

Q Do you remember seeing his actions at the Tombs ?

A I never mix up with them. I am out at the deak all the time.

Q Did you notice this man on his knees at any time ?

A Reilly ?

Q No the prisoner-- the defendant.

A Yes sir.

Q Did you ever notice Reilly on his knees ?

A Yes sir.

Q Did you see Reilly on his knees before you saw the defendant on his knees ?

A Yes sir.

Q Before that ?

A Yes sir.

Q Was the defendant in a position to see Reilly while on his knees in the lower corridor ?

A Yes sir; he could see him from the upper tier, overhead.

Q You say you have seen the defendant on his knees in the lower corridor ?

A Yes sir.

Q What doing ?

A I could not say; feeling around his knee. I saw him three or four times on his knees.

Q Didn't he have his hands confined ?

A Yes sir.

Q How could he feel around his knees ?

A He could get down like this (illustrating)

Q Where were they confined--from the wrists ?

A No sir, from here (illustrating)



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Q You have seen him in that position ?

A Yes sir.

Q You have also seen him in the corner ?

A Come as far as the railing.

Q And refuse to move ?

A Yes sir.

Q Have you seen him do anything in his cell ?

A Walking up and down that is all.

Q Have you ever had any conversation with him while in the corridor ?

A No sir.

Q Do you know any of the keepers that had a conversation with him ?

A No.

Q Have you heard him converse with any of the prisoners ?

A No sir.

Q Have you ever heard him talk at all ?

A No; I never was close enough to him to hear him talk.

Q Have you seen him confined in the cell ?

A I have walked past him .

Q What did you find him doing at the times you passed ?

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A Lying down or sitting down.

Q Was Peckingham with him at the time ?

A Yes sir.

Q Did you ever see Peckingham strike him ?

A No sir.

Q Has he ever complained that Peckingham struck him ?

A No sir; never.

Q Has he ever complained that Peckingham put anything on his head ?

A No sir.

Q Is he permitted to wear his hair in his cell ?

A Yes sir.

Q Has any of the keepers struck him do you know ?

A No sir; I never saw any of them abusing any person there.

Q Do you know anything further about his acts than what you have testified ?

A No sir.

BY THE COMMISSIONER:

Q Is he regarded in the City Prison as a sane or insane man by the keepers ?

A I could not say that.

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Q Do you know why the straps were put on him ?

A They were afraid he would injure himself; there was a man hung himself the morning he was sent down on our tier; there was another man there--Woffell--the man got excited and he was sent down.

Q Did you have cause to speak to him ?

A I hardly speak to any of the prisoners. My duties are at the desk and I very seldom go around.

Q Would you consider he was a person that would understand what was said to him ?

A I think he would; yes sir.

Q He gives no trouble down there now, does he, as far as you know ?

A No sir.

BY MR. SIMMS:

Q You say he was brought down after Benny Woffell hung himself?

A That same day.

Q Were you there when he was brought down ?

A Yes sir, at the desk.

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Q Q Was he violent that day ?

A No sir; I did not notice any violence on him.

Q Who ordered him down from the upper tier ?

A The keepers on the tier overhead.

Q Who is the keeper ?

A Dennelly and Evers.

BY MR. SIMMS: Imight say that Keeper Evers is away on

Q his vacation; that is the reason he is  
not here.

Q After he got down he was bound ?

A Yes sir; they put the straps on him right away.

Q Have you heard him shout at times ?

A No sir.

Q Did he resist you placing the straps on him ?

A No sir; I did not put them on him; some of the keepers  
did.

Q Did you see them put on ?

A No sir.

Q Then you don't know whether he resisted or not ?

A I do not.

Q Has he from the time he was brought down been a trouble-  
some prisoner ?

A Not that I can say.



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Q Has he done or said anything while down stairs while he was under your charge to make you believe he was irrational ?

A He has not said anything; not in my hearing.

BY MR. MCMANUS:

Q You have not had any conversation with him at all ?

A No sir.

Q And don't know anything about him ?

A Only at a distance.

Q You knew that on your tier he had straps on him and had this old man an extra care to watch him at night ?

A No he was relived in the night time.

Q Another man on him at night time ?

A Yes sir.

BY MR. SIMMS:

Q Mr. McManus asked you whether it was necessary; is it necessary or a custom ?

A It was by orders of the warden or the deputy warden.

Q There was no special occasion as far as you know to put a watch over him ?

A In the hospital cell they have a man to watch the prison-

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ers; to attend the sick in case they need medicine.

BY THE COMMISSIONER:

A That is a ryke of the prison ?

A Yes sir; if they suspect a man they watch him.

BY MR . MACMANUS:

Q He is not in the hospital cell ?

A He is now, though he has not been for a time because the hospital cell was overcrowded. There is only room for three beds.

BY MR. MC MANUS :

Q When was he put in the hospital cell ?

A Sunday morning.

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MICHAEL D. DOWNEY, a witness called and duly sworn testified as follows:

BY MR. SIMMS:

Q You are a keeper in the City Prison, Mr. Downey ?

A Yessir.

Q And how long have you been engaged as keeper ?

A Fourteen years.

Q As such keeper have you had in charge the defendant John F. Buchholtz ?

A He came down stairs on the 8th; the morning the man committed suicide

Q Were you present when he was brought down ?

A No sir.

Q Were you ?

A I was in some part of the prison; he came down as we opened up in the morning.

Q What hour did you see him on that day ?

A About half past seven in the morning.

Q Where was he at that time ?

A Down stairs.

Q Did he have straps on that time ?

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A Yes sir.

Q Was he in the cell ?

A He was in the corridor exercising.

Q That is on the ground floor ?

A Yes sir.

Q Outside the hospital cell ?

A Yes sir.

Q Was he exercising alone ?

A He was standing alone; leaning against the wall.

Q Did you say anything to him ?

A Not that I remember.

Q Did he say anything to you ?

A No sir.

Q Did you see him do anything on that day but standing against the wall ?

A I never saw him doing anything except a couple of times on his knees. Another time I was closing up about a quarter to seven and he did not feel like going in his cell. I said "You must go in". He got up and called on the Knights of Pithias for protection.

Q When was that ?



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A I suppose a couple of weeks ago;; he has been worse that he has been I think.

Q A couple of weeks ago ?

A Yes sir; a couple of weeks ago; three weeks ago.

Q At that time did he have his hands confined ?

A Yes sir.

Q What did he say ?

A That is all I remember .

Q Give us his words.

A I called him in the cell. He said "Knights of Pithias protection"

Q Did he put up his hands.

A I just closed him up I don't know what he did.

Q Pushed him in. & X

A No; he went in. I said "There is no Knights of Pithias here; it is too late "That is all I know.

Q After that did you see him ?

A No.

Q Never seen him again ?

A Oh, I saw him every day.

Q Where ?

A In the prison.

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Q

I know; but where ?

A

Outside and in the cell.

Q

Have you ever seen any other actions ? Have you ever seen him on other occasions ?

A

Yes sir.

Q

What has he been doing ?

A

We took the straps off him to give him his breakfast.

Q

Did he eat his breakfast heartily ?

A

Yes sir.

Q

Did he eat all that was given to him ?

A

None eats all that they give them.

Q

Did you ever converse with him after that ?

A

No, I did not talk to him.

Q

You had no conversation ?

A

No I didn't. Except when he was calling the Knights of Pithias. I was laughing at that. I have too much to do to converse with everybody in there.

Q

You say you never did converse with him other than that night ?

A

Oh, bid him the time of day; asked him how he felt. I would talk to him and then go next door--next cell.

Q

Are you prepared to say from what you have seen him

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do and from what little conversation that you had with him whether he is rational or irrational ?

A I could not say; sometimes the doctors can't find that out.

Q I am not asking you whether he was insane, but whether his conversations and actions were rational or not. Whether they are of a man in possession of his senses.

A In my opinion, I don't think he was.

BY THE COMMISSIONER:

Q Do you think that he is a person that fails to comprehend if you spoke to him.

A I do, now. I don't know whether he is faking it out or not

Q When did you think he was that way ?

A Weeks ago.

Q Does he give you any trouble ?

A Not in the least.

Q There is no way to get alcohol in there, of course ?

A No sir.

BY MR. SIMMS:

Q Who else did you say had him under control there--Evers

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and Donnelly ?

A Evers and Donnelly had him upstairs until he came down, ~~th~~ then there was four others--Smith, Skelly, O'Brien and me.

Q Is Smith upstairs ?

A Yes sir. We only have him about three weeks down there; a month I suppose.

BY THE COMMISSIONER:

Q You can't say whether he is feigning or not can you ?

A No sir; I cannot.

Q What is the general opinion in the prison ?

A Everybody has a different opinion. My opinion is everybody goes in there is crazy.

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The Commissioners announced that if there was any further expert testimony they would hear it on the adjourned day, and if there was no further testimony they would close on Monday.

Adjourned to Monday, July 11th 1892 at

2:30 o'clock.

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New York, July 18th 1892.

Commission met pursuant to adjournment at the  
office of the District Attorney.

Present:

Frank P. Foster, M.D. and  
William J. Lardner, Esq.

Commissioners.

APPEARANCES:

Ambrose H. Purdy, Esq., for the defense  
and Charles E. Simms, Jr., Esq., Assistant Dis-  
trict Attorney, for the People..

Dr. FRANK R. FOSTER, one of the Commission proceeded  
to make a physical examination of the defendant as  
follows:

From my observation, gentlemen, his left pupil  
is a little larger than the other.

BY THE COMMISSIONER:

Q Q Hold your tongue out; Can't you hold it still?

A No sir.

Q THE COMMISSIONER: Tongue protruded straight,  
but tremulous. Pupillary reflex normal.

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THE PRISONER: I have been smoking.

Q Then you are happy.

A I am kind of happy.

Q Have you a quid of tobacco there ?

A No sir. I don't use tobacco only smoke.

Q Do you suffer from the toothache ?

A Sometimes; very seldom now.

THE COMMISSIONER:

Palpebral reflex normal;  
muscles of the face wasted on the left  
side.

Q Do you eat on one side ?

A Mostly on this side (indicated the right side)

THE COMMISSIONER: Head rather narrow from  
fore backward..

Q There are some brown patches on your back; what are they

A I had a blister on the back; my back was blistered for  
stricture.

Q Your back blistered <sup>for</sup> ~~the~~ stricture ?

A Yes sir. I was in the hospital in Flushing and they  
put a kind of vial in my mouth and pulled my arm out that  
way.

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Q On both sides ?

A Yes sir; but mostly on the right side.

Q Cross your legs and let the feet hang perfectly loose;  
do not exert the muscles; I am going to hit you.

(Strikes subject's knee)

Now the other.

(Strikes other knee)

THE COMMISSIONER: Patellar reflex normal.

Q Open your mouth wide.

(Examined throat)

A The doctor examined my throat and he used kind of a  
marine glass.

Q Used a mirror ?

A Yes sir.

THE COMMISSIONER: Axillary unerateril hyperi-  
drosis.

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The Commissioners  
announced that the taking of testi-  
mony was now closed.  
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POOR QUALITY  
ORIGINAL

PHILLIPS &amp; MOWER, 62 NASSAU ST., N. Y.

## STENOGRAPHER'S MINUTES.

Yorkeville Police Court.

The People

vs.

John F. Buckholz

BEFORE

Hon. John J. Ryan,

Police Justice

New York, May 10, 1892.

## WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Teresa Freidenstein,  
 Franz Karl  
 Charles Freidenstein  
 John T. Sheeran,  
 Christopher Green  
 Charles Hoffner  
 Thomas F. Greel

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POOR QUALITY  
ORIGINAL

PHILLIPS &amp; MOWER, 82 NASSAU ST., N. Y.

## STENOGRAPHER'S MINUTES.

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## WITNESSES.

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Charles Hoffner

Thomas F. Green

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The People vs. John F. Buckholz

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POOR QUALITY  
ORIGINAL

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The People

-against-

JOHN F. BUCKHOLTZ.

Before,

HON. JOHN J. RYAN,

Police Justice.

Yorkville Police Court, New York, May 10, 1892.

Examination of witnesses.

Present:

The Fire Marshal, Mr. Mitchell.

Mr. , for defendant.

Teresa Freidenstein, being duly  
sworn, testifies:

By Mr. Mitchell:

Q. Your full name?

A. Teresa Freidenstein.

Q. Where do you live?

A. 346 East 49th Street.

Q. On what floor?

A. On the second floor.

Q. That is the second flight up, the third floor?

A. The third floor, yes sir.

Q. Do you remember the evening of Wednesday the 27th of April?

A. Yes sir.

Q. What occurred on that evening?

A. There was a fire right next to me.

Q. How do you mean next to you? On the opposite side of the hall?

A. Right the next rooms to me.

Q. Across the hall?

A. Across the hall.

Q. At what hour was that?

A. Between seven and eight.

Q. Will you tell the Court if you please what happened just as you recollect it?

A. I was sitting in my kitchen and Mr. Buckholtz came and knocked at my door. I said what was the matter. He said "Hurry up and get out. My whole place is burning. My lamp exploded." I took my children and woke my husband and then I went out. I seen the fire opposite the door because the door was closed. And then when I came out to the hall I hollared "Fire," and Mr. Buckholtz said I should not hollar so because it ain't so much.

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**POOR QUALITY  
ORIGINAL**

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Q. Mr. Buckholtz said you should not hollar so?

A. Mr. Buckholtz said I should not hollar so because it ain't so much. And then I went down with my children downstairs and went out.

Q. How was Mr. Buckholtz dressed?

A. Mr. Buckholtz had his clothes on, his coat over his arm.

Q. Did he go down with you or remain upstairs?

A. No sir.

Q. Did Mr. Buckholtz make any alarm?

A. No sir.

By Defendant's Counsel:

Q. That is, you didn't hear?

A. No sir.

Q. He went to your premises and said his place was on fire and for you to get out?

A. Yes sir.

Q. And as you left the hall he said you should not make an alarm; he could control the fire-- or something to that effect?

A. "It ain't so much."

Q. Is that all you know about it?

A. That is all I know about it.



F r a n z   K a r l,   being duly sworn, testifies:

By Mr. Mitchell:

Q.   Where do you reside?

A.   346 East 49th Street. ✓

Q.   On what floor?

A.   In the first floor, the second floor up.

Q.   Do you remember the evening of Wednesday the 27th of April?

A.   Yes sir.

Q.   What were you doing on that evening?

A.   It was after seven o'clock and I light the gas in the hall and I came downstairs. I was on the first floor, on my floor, and I heard the cry "Fire" from Mrs. Freidenstein. I got the small lamp and put it down on the floor. I run upstairs and Mrs. Freidenstein passed me with her children in the hall. She said "There's a fire in that room." I come up first in Mr. Freidenstein's room, and he says it is in the next room. Mr. Freidenstein was inside in the kitchen in his underclothes. I opened the next door; the door was closed. I broke the lock open. I passed Mr. Buckholtz in the hall, passing in the private hall. He said "It is not much; my lamp exploded." I go into the room and break the lock open

and I seen a fire in the bed room, the first blaze I saw.

By the Court:

Q. You say you met him in the private hall when you were on the way upstairs to the fire?

A. Yes sir.

Q. Where is the private hall?-- On the second floor where you live?

A. No. He was in the private hall on Buckholtz's floor.

By Mr. Mitchell:

Q. When he said to you it was not much the door was locked?

A. Yes sir. "Well," I said, "hurry up and get me a pail of water." Mr. Freidenstein gave me the first water; I don't know whether it was a pitcher or a pail. I threw it on it. Then I said "Fill the wash tubs;" and then I opened the door and found the whole front was burning.

Q. The door leading into the front room?

A. The door into the kitchen. I saw it was all burning and I saw it was time to get a fire alarm.

Q. Was there any burning in the kitchen?

A. I seen a little fire behind the door under the wash tubs.

Q. Was there any fire across the floor in the kitchen?

A. No sir, I didn't see any.

Q. Did you examine the bedroom?

A. No; I run away. I see there was too much smoke in the two rooms while I was in there. I run away for the alarm fire. When I came back again the firemen were right after me.

Q. When you went into the kitchen first there was no fire in the kitchen except under the wash tubs?

A. No sir.

Q. And the door leading into the sitting room was closed?

A. I can't say that-- I burst the door from the front of the hall into the kitchen.

Q. Did you notice the clothes closet?

A. Yes; I guess it was from the street I see the fire was burning.

Q. The doors were closed, were they?

A. Yes sir.

By the Court:

Q. I want to understand distinctly. When you ran upstairs you say you met this man and he said to you it was not much; his lamp exploded?

A. Yes sir.

Q. Then he was in the hall, and the door of his apartments was locked?

A. Yes sir.

Q. And you burst open the door, did you?

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POOR QUALITY  
ORIGINAL

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A. Yes sir.

Q. And when you did you found a fire in both rooms?

A. I found a fire in the bed room and I threw the first pail of water into the bedroom, and that other man(indicating) was filling the wash tubs.

Q. After you opened one door you opened the front and saw it in front?

A. Yes sir.

Q. Two separate fires?-- Or three?

A. Three. There was one under the wash tubs, too.

By Mr. Mitchell:

Q. Did this man Buckholtz enter the rooms with you and help you to put out the fire?

A. No sir.

Q. Did you see him anywhere?

A. I see him up there in the house when the firemen were there. He had his clothes under his arm.

Q. How long was it after you passed downstairs through the hall after lighting the gas before you heard the alarm of fire? A. A couple of minutes.

Q. How many?

A. Three minutes.

Q. How long did it take you to get into the room after you



heard the alarm of fire?

A. Two minutes.

Q. And then you saw one fire burning in the bedroom, another in the sitting room, and a third under the wash tubs?

A. Yes sir. The first was in the bedroom, and then I opened the door and saw the fire in front under the wash tubs.

By Defendant's Counsel:

Q. What was the first thing Buckholtz said to you?

A. "My lamp exploded." That is the first thing he said to me when I came into the hall.

Q. Then you went into his apartments?

A. Yes sir.

Q. And you found a blaze there extending in three rooms?

A. Three rooms.

Q. You don't know whether the doors between them were closed or not?

A. The door was not closed from the bedroom.-- I don't know that.

Q. Did you see Buckholtz there helping to put the fire out?

A. I did not.

Q. Didn't he assist you in breaking the door open?

A. No sir. I broke it open for myself.

Q. Was not he right behind you?

A. I guess Mr. Freidenstein was behind me.

Q. Do you recollect in the excitement whether he aided you in bursting the door open or not? Will you be willing to swear he didn't aid you to burst open the door?

A. I will. I burst it in for myself. I broke the nosing of the padlock.

Q. Where was he at that time?

A. He was out in the hall with his coat over his arm.

By Mr. Mitchell:

Q. This was when you came upstairs. You passed him and he spoke to you?

A. Yes sir.  
By Defendant's Counsel:

Q. Do you know whether he went in there and tried to get the fire out?

A. I didn't see that.

Q. You don't know?

A. No, I don't know.

By the Court:

Q. If he did would not you know it? Were not you there? If he did go into the room to put the fire out you would have seen him if he was there?

A. I didn't see him there.

Q. Would not you see him if he was there?

A. Yes sir.

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POOR QUALITY  
ORIGINAL

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By Defendant's Counsel:

Q. There was a crowd of people there?-- All the tenants were there?

A. No.

Q. You could not tell who were in there? It would be an impossibility to say who were there?

(Question not answered.)

C h a r l e s F r e i d e n s t e i n, being duly sworn, testifies:

By Mr. Mitchell:

Q. What is your business?

A. Butcher.

Q. Where do you reside?

A. 346 East 49th Street.

Q. On the third floor?

A. The second flight of stairs up, the third floor.

Q. Do you remember this Wednesday evening in question?

A. I do.

Q. State what occurred there to the best of your recollection?

A. I was laying on the lounge sleeping in the front room and my wife come and said "Charley, get up,-- fire." I said

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POOR QUALITY  
ORIGINAL

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"Where?" She said "Next door in Buckholtz's." I jumped up in my underclothing and opened the door and looked over and seen through the transom it was blazing. I put on my pants, went out and I believe Mr. Karl had the door open then. I ran for water right away. All of a sudden someone shouted the front room was ablaze. Someone handed me water and I put it in there. Then the firemen came in.

Q. Where did you see the fire first?

A. In the bed room.

Q. That was to your right?

A. On my righthand side.

Q. Did you see any fire in the kitchen?

A. There was a little bit of carpet burning under the bedroom door, and in the left under the wash tubs, what they had there was burning.

Q. Was there anything burning across the floor of the kitchen?

A. Nothing that I saw. I was in my bare feet.

Q. You walked across there?

A. I stood right in the door.

Q. Did you look in the closet of the bedroom?

A. No sir.

Q. You didn't see the condition of the closet?



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A. No sir.

Q. Did you see Mr. Buckholtz there?

A. After the fire was over when the patrol marshal had him taken to the station.

Q. You didn't see him in the rooms at the time you were putting out the fire?

A. No sir.

By Defendant's Counsel:

Q. How many people were in the room at that time?

A. There were about three or four of us.

Q. Were there more?

A. Not in the rooms, unless the people that were fetching water.

Q. In the hall, on the outside?

A. I was too much excited; I could not say. I was getting water and putting it out.

Q. Great excitement prevailed?

A. Yes sir.

Q. You didn't see who were in the hall of the premises?

A. No sir.

Q. You say there was rubbish in front of the bedroom door which was on fire?

A. Yes sir.

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Q. The fire from the bedroom communicated itself to the carpet on the outside?

A. That I could not say.

Q. You don't know?

A. No sir.

Q. The whole place was ablaze when you went in, was it not, the front room and the bed room?

A. The first room I noticed was the bedroom, and someone said the front room was afire.

Q. And it was ablaze when you went in?

A. Yes sir.

Q. You first received the knowledge of the fire from your wife?

A. My wife woke me out of my sleep.

Q. She was notified by Buckholtz, you afterwards ascertained?

A. Yes sir.

By the Court:

Q. The counsel says you didn't know of your own knowledge who were in the hall and in the rooms. You do know of your own knowledge who were in the rooms, do you not?

A. Yes.

Q. You say there were three or four? Who were they?

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A. There was Mr. Karl and a young man of the name of Sheeran.

Q. And you are positive the defendant was not in the rooms when you went in there?

A. I am positive of that.

J o h n T. S h e e r a n, being duly sworn, testifies:

By Mr. Mitchell:

Q. What is your business?

A. Carriage trimmer.

Q. Where do you reside?

A. 346 East 49th Street.

Q. On what floor?

A. The fourth floor, three flight up.

Q. Were you present in the building on the 27th of April at the time of the fire?

A. Yes sir.

Q. Please state what you saw and did on that evening?

A. I was working on that night till about seven. As I came home I came upstairs and I met the housekeeper Mr. Karl right on my way up. He went down and I went up. I walk-

ed into the room and got a paper and read it. I heard a little noise outside. My wife went to the door and she said there was a fire. I said "What?" She said "There's a fire." Somebody said a lamp exploded. I said "You stay here till I come back, until I see what it is." I went downstairs and left her there with the four children. I went downstairs and met Mr. Freidenstein standing in his door putting on his pants. I asked him where was the fire,-- "Where is it, anyway?"-- something like that. He said "It is in here"-- putting his hand to the door. I rushed right in. All I could see was it seemed to me a chair turned upside down and the matting ablaze all round the legs. I put my foot on it and it went out right away. Then I turned this side(indicating)and it was in that corner.

Q. In the bed room?

A. In the bedroom. I saw it was getting too heavy for me. I went out and said "Can't you get any water?" They got me a hand basin. I walked right in and threw it in the fire. Then I went in a third time with that pan of water. At that time I see the fire in the kitchen. At that time the matting stretched along the tubs was going along like that(indicating).

Q. It was going like that at that time?



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A. Yes sir. Each time I came out I shut up the door after me. The next time I went in with a pan of water-- that was the fourth-- just as I opened the door I see a big blaze in the front room. Somebody said they didn't think that was all right; whoever it was I don't know.

Deft's counsel: I object to that and move to strike it out.

Motion granted.

The witness: I went round and closed the door to the fire escape. I met two or three people at the fire escape. I received a pan of water <sup>from</sup> ~~xx~~ them to throw on it; I am not positive. Then I came back again and went into the front room, walked in there and grabbed the burning chair and threw it out on the fire escape. Then I walked to the other window, the right-hand window, and I opened the latch and let down the window from the top. Then I came into the kitchen and I opened the tubs. There was a wash board in it and a lot of clothes. I threw them on the floor. Then the door shut on me; I was shut in altogether. Just as I opened the tubs there came a sort of a blaze from under the tubs. Then somebody opened the door; I think it was Mr. Karl. At that time I see the blaze in the bedroom again. I went in there and

and I see the closet afire and the doors shut. I stood there holding the doors with my two hands while the people brought water. When they brought water they threw it in on it and I shut the door again. I stood there as long as I could, until a fireman came; I think it was Fuchs. He stood there. I said "You stay here and I will hand you water." He stood at the door and according as I handed him water he threw it in there. And then I got suffocated and went into the hall.

Q. As I understand, when you first opened the door there was no fire in the kitchen?

A. It was in the bedroom right under the window.

Q. And you afterwards saw, after you had been in there three times you saw a little fire on this cloth on the kitchen floor? A. Yes sir.

Q. A waivy kind of fire?

A. Yes sir, like that(indicating), going towards the sitting room.

Q. From what point?

A. It looked to me as though it commenced right at the door as you open it.

Q. Towards the front room?

A. Towards the front room.

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By Defendant's Counsel:

Q. And a short time after you heard the front room was afire?

A. No sir, I opened the door and I seen it afire.

Q. That was after you saw this fire creeping along on the matting?

A. Yes.

Q. You say you had been in the kitchen three times before you noticed any fire there?

A. No sir. I was in the kitchen twice. The third time I was in the kitchen the matting was afire.

Q. That was leading from the bedroom where the first fire was?

A. Yes sir.

Q. You received your knowledge of the fire from Buckholtz?

A. My wife told me first.

Q. Did you know where she got her information?

A. She heard someone hollar in the hall a lamp exploded.

Q. Do you know whether it was Buckholtz hollared the place was afire?

A. No sir. I never seen the man before until the night of the fire.

Q. How many people were in the building at the time you were endeavoring to extinguish the fire?

A. In the building?

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Q. In the apartments?

A. In the apartments, there was nobody in there. Every time I came out from there I would shut the door.

Q. What kind of a door was it?-- A spring lock?

A. I don't know. I had a hold of the knob. I would open it and shut it. I turned the knob and opened the door.

Q. Was this man helping you to put out the fire?

A. This gentleman(indicating)was behind me. It was him that handed me the pan and was giving me the water as fast as he could.

Q. Who else was at the fire?-- Buckholtz?

A. There was no one. There was somebody there when I was coming back after throwing the chair out.

By the Court:

Q. Did you see this defendant at any time from the time you came upstairs until you went out of the building?

A. No sir. I didn't see him until after the firemen had the whole thing out.

Q. There was not anybody there but this gentleman who was helping to put the fire out and Mr. Karl?

A. Yes sir, that was all.

Q. You are positive there were only three of you helping to put out the fire; that the defendant was not present?



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A. Yes sir.

Deft's counsel: That is, you didn't see him?

The witness: Yes sir.

Q. If he was there you would?

A. I think I would know him.

Q. You know there were only three in the room helping to put the fire out, as far as you know?

A. As far as I know.

Q. That is, yourself and these two gentlemen that testified before?

A. Yes sir.

C h r i s t o p h e r   G r e e n, being duly sworn,  
testifies:

By Mr. Mitchell:

Q. What is your business?

A. I am working for James Everard, butler.

Q. Where do you live?

A. 346 East 49th Street.

Q. Were you at home on Wednesday, the 27th of April?

A. Yes sir.

Q. What occurred on that evening in the house there?

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A. I was sitting in the front room of the fifth floor and I heard a shout of fire and I opened a window and I seen people from the rear pointing to the second floor that there was a fire there. So I run down the hall and I seen this man in his underwear.

The Court: What is his name?

The witness: I never seen the man until at the time. Fräidenstein is his name. He told me there was a fire in the side room, and I seen this man inside (indicating). I went upstairs then and I told my sister and I went down~~stairs~~ and I took a pail of water and I handed it to Mr. Sheeran and he took it and threw it on the fire. I put in the window with my foot.

Q. The rear window?

A. Yes sir.

Q. Where were you at the time?

A. On the fire escape. I went in the window and I seen an upholstered chair burning. I took it and threw it in the yard. I went inside, brought in the water, helping this man(indicating)to get the water.

Q. Did you go into these rooms through the kitchen?

A. There was too much smoke in the front room where the fire happened to be. There was a lounge burning. I went

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through Mr. Freidenstein's rooms. When I went into the room I seen the closet where Mr. Sheeran was putting water. He said "Bring the water this way." I had a dish pan. I gave it to him and he put it out.

Q. Did you see Mr. Freidenstein open the closet?

A. No; it was Mr. Sheeran.

Q. What did you see when he opened the closet?

A. I seen the blaze came right out. It was not so much all up. You could see where it was on top.

Q. A little singed at the top of the closet doors?

A. Yes sir. I seen the fire in the kitchen and front rooms. It was just commencing on the carpets, and at that time the firemen came.

Q. When you first entered the kitchen was there any fire in it?

A. No sir; I didn't see any fire in it. It was out at that time when I came in, under the wash-tubs. I seen a little smouldering. I seen this man enter and I asked him how did it happen. He told me his lamp exploded.

Q. Where did he say the lamp was?

A. I didn't ask him.

Q. Did you have any conversation with him further?

A. Yes sir. Somebody says in German, I think they asked how

did it happen.

The Court: You must not testify to anything you don't know. Was this said in your presence?

The witness: Yes sir. He had his coat in his hand. And they said to him "Is your coat burning?" And he had his coat hanging on his arm. He had a black bow on. He said "No." He was rubbing the water off. Someone else asked him how did the fire happen; and he said it was none of their business; that it was not much. That is all. At that time the firemen happened to come and I didn't do anything. I went out.

By Defendant's Counsel:

Q. That is, it didn't amount to much, the fire?

A. Yes sir.

Q. Buckholtz was in the fire?

A. I didn't know him to be there. I seen he was frightened.

Q. You saw he was frightened? A. Yes sir.

Q. Where was he?

A. He was standing in the hall right at the head of the stairs.

By Mr. Mitchell:

Q. Did you see him go inside?

A. No sir.

Q. He was standing out in the hall at the head of the stairs?



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A. Yes sir. This man was the first man in the front room at that time, Mr. Sheeran. I came down the fire escape.

C h a r l e s   H o p p e r,   being duly sworn, testifies:

By Mr. Mitchell:

Q. Where do you reside?

A. 324 West 17th Street.

Q. And your business?

A. Assistant-Foreman, Hook & Ladder 2, Fire Department.

Q. Were you called to a fire on the evening of Wednesday, the 27th of April last?

A. Yes sir.

Q. Please state what you found when you got there?

A. That night I happened to be detailed in charge of Engine 8, and when the station came in of course we responded to the alarm, and we were the first company that arrived at the fire. On arriving at the fire of course generally there is excitement among the tenants and the like of that. I went upstairs, which an officer of an engine company generally does to find out whether it is necess-

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ary to stretch in. When I got up there I got on the third floor. I had two men with me. We went into the first room; it was a kitchen. It was very smoky. I looked in the back and I see a blaze. I should call it a back room; I heard some of the witnesses call it a front room. I seen the blaze, and the first thing I said was "Get water as quick as you can," as I seen we could most do without using the line. We got some water there. We saw stationary wash tubs; there was quite a lot of water there. We used that water on the back room. Then I told the men to open up. Some of the windows had been broken; we made it more complete to let the smoke out. We found some chairs on fire; of course we threw them in the yard. There was one or two chairs on the back fire-escape and we extinguished them and put them in the yard. Then Hook & Ladder 2 arrived and I said to the Captain "There is a lot of stuff in there that I guess will want to be overhauled." When we came back one of the men says "Lieutenant, there is a fire under them wash tubs." We looked, and there was a separate fire under the stationary wash tubs. It looked like rags and paper and stuff, -- just like a receptacle for old paper and stuff. We dashed a couple of pails of water on that and extinguish-

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ORIGINAL

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ed that fire. I looked around and Captain Grady of Hook & Ladder 2 looked around and said--

Objected to.

The Court: Not what he said. State whatever you saw.

The witness: I looked in the back bedroom and he had an extinguisher there. They went to extinguish it with the fire extinguisher, and it took no effect whatever in the bedroom, because the bedding seemed to be saturated with some combustible stuff.

Deft's counsel: Not what it seemed to be.

The witness: I could not swear what it was.

The Court: What you thought was combustible stuff?

The witness: The extinguisher would not extinguish the fire that was in the bedroom. So therefore I had to open the line, and I guess we kept it there three or four minutes.

By the Court:

Q. On the bedroom?

A. Yes sir.

Q. The line from the engine?

A. Yes sir.

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By Mr. Mitchell:

Q. What was burning in the bedroom?

A. The bedding and mattress,-- all piled up. I could not state how many there were there.

The Court: But there was more than one?

The witness: There was more than one.

Q. Was there any other fire in the kitchen under the wash tubs?

A. There was the one in the bedroom and the one under the washtubs, and the one in as I would call it, the back room.

Q. Did you open the closet in the bedroom?

A. No sir.

Q. Did you notice it there?

A. I didn't notice it there.

By the Court:

Q. Were there three distinct fires?

A. Yes sir.

Q. You are positive of that?

A. Yes sir. And as I could see there was no evidence of any connection whatever between them.

Q. You are positive that the three were distinct fires?

A. Yes; that is in the dark; all I could see with a kerosene



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lamp. I went to this lady's(indicating)room and said "Can you give me a lamp?" From the room right across I got a hand lamp and fetched it right in. I even looked at the paint, the distance between the two fires; and it was not even blistered.

Q. There was no appearance of connection between the three fires at all?

A. The doors must have been blistered if the fires had been connected with one another.

By Defendant's Counsel:

Q. If the doors were open they would have been blistered, would they?

A. Certainly. They could not pass through the passage way without blistering the paint.

Q. ~~It~~ could if the doors were open? You heard the testimony of this witness Mr. Sheeran. Did you hear him testifying that he saw along the matting or carpeting leading to this kitchen, from the bedroom into the kitchen, a fire creeping along?

A. Yes sir.

Q. And also creeping along the matting into the front parlor?

A. I heard that.

Q. And these three distinct and separate fires could not be

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POOR QUALITY  
ORIGINAL

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communicated that way?

- A. According to my opinion there should be some evidence on the paint work, or the floor work should be darkened where the fire would travel.

By Mr. Mitchell:

- Q. You heard him also testify that the fire was in the front room before he saw this fire creeping along?

- A. I don't remember that.

J o h n F. S h e e r a n, recalled, testifies:

The first time I entered the room the fire was on the matting. When I seen it I threw the basin I had on that. That went out. Then when I went in again the fire was in the front room.

^ By the Court:

- Q. As you described that creeping fire,-- that is after you saw it to jump along-- when was that?

- A. That was the third time. I entered the room.

- Q. Before that?

- A. Before that it was in the bedroom. The first and second time it was in the bedroom; the third time it was in the matting along by the tubs.

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**POOR QUALITY  
ORIGINAL**

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Q. Did you put it out before it reached the door?

A. Yes sir.

Q. The door was closed?

A. I could not say. I saw the light through the glass door.

Q. And the creeping fire you referred to you put out before it did any more damage?

A. I put it out before it went half way along the tubs.

Thomas F. Freel, being duly sworn, testifies:

By Mr. Mitchell:

Q. Your business?

A. Assistant-Foreman in the Fire Department.

Q. What is your present occupation?

A. Detailed to the Fire Marshal's Bureau.

Q. Were you called to a fire on the evening of the 27th of April?

A. I was called at nine o'clock in the evening, was notified by telephone through Engine 9. I got there at 9.43.

Q. What did you find there?

A. On the third floor in the rear rooms on the west side of the building I found there had been a fire. The suite of

rooms consisted of three,-- a centre room, a bedroom, and main room. The main room was the rear room. On arriving at the fire I saw the occupant of the rooms, Mr. Buckholtz, who informed me that the fire was the result of an explosion of a kerosene lamp. I asked him where the lamp was at the time it exploded. He told me it sat on a table between the two windows in the main room.

Q. In the rear room?

A. Yes sir.

Q. Not in the bedroom?

A. No sir. I asked him what kind of a lamp it was. He said it was in the room there and I could see for myself. I went into the room and found the lamp. The lamp at the time I saw it was about two-thirds filled with kerosene oil.

Q. Is this the lamp(showing lamp)?

A. That is the lamp.

Q. Does it present any appearance of having been burst?

A. No sir. It presents the appearance of having been pretty roughly handled. But it was not burst.

The Court: It is battered?

The witness: Yes sir.

Q. That was the lamp which you found?



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A. Yes sir.

Q. You found no other lamp?

A. No sir. I asked the occupant, and he said that was the only lamp there was.

Q. Is that the--(handing witness)?

A. Yes sir. This is the china bowl that the lamp sat in. There was a metal holder just the same as this, and it sat in the china bowl inside the metal holder.

Q. Will you examine the china bowl of the lamp. What is the outside appearance?

A. The outside appearance indicates it was subjected to considerable heat and a great deal of smoke.

Q. Will you examine the broken edges. What is the appearance presented?

A. It does not present the appearance of having been broken previous to the fire, the same as would have been had an explosion of that lamp taken place.

Q. You say you found no remains of any other lamp in the room?

A. No sir.

Q. Did you find any remains of a lamp in the bedroom?

A. No sir.

Lamp offered in evidence.

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Deft's counsel: I object to its receipt.

Marked Exhibit 1.

The witness: In investigating I found that there was a surface fire on the carpet of this room(indicating on drawing).The fire burned the surface of the carpet and did not burn the body. The fire extended from a point near that table(indicating)to about there and there(indicating), and ran along in waves until it came to within a foot and a half of this door(indicating)and was stopped altogether at that door.

Q. What was the appearance of this door?

A. This door is burned on the inner side, which side opened on the main room. On the inside this casing(indicating) is burned, almost burned as badly as the door,and this casing here(indicating)is burned just as badly as the door.

Q. Showing the door was closed?

A. There is no burning at all on the surface of the door exposed to the kitchen.

Q. How did this door fit to the saddle or sill?

A. It was not a very good fit on the top.

Q. I speak of what is called the saddle at the bottom, the sill of the door?

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A. It was a tight fit, a very tight fit. I found evidences of a fire having been underneath this sink and wash tubs (indicating). I examined further and I found there was a fire in this bedroom right here(indicating), where the bed was. I found that there was a fire in this closet (indicating); the inner parts of those two doors that show open there were burned, and also the framing of a closet on top, which showed that the doors were closed, both of them, but that they were open perhaps half an inch or so at the centre where the two doors join, to allow the heat to escape and char the framing of the closet. This is a dressing case(indicating). This dressing case was scorched on this side(indicating) to that corner, and scorched about one-third of the way along the front, from this end to there(indicating). This is a wash stand(indicating). There is no scorching on this wash stand at all, no scorching on this end(indicating). There was a fire there in that bed(indicating) and there was a fire there(indicating). There were no traces of fire along there(indicating), and there were no traces of fire from this door in(indicating). This is a sofa(indicating). This sofa is about eleven inches over the frame of the door, nine inches over the frame of the door. There is no scorching on this sofa at

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any part. There is no scorching at this door(indicating)on either side, and no scorching on the door frames. Mr. Buckholtz in explaining the fire claimed that the lamp exploded there(indicating).

Q. In which room?

A. In this room on this table(indicating).

The Court: The extreme end of the rear room?

The witness: Yes sir. And it passed on to the extreme end of this room(indicating). It didn't leave any traces of burning in this kitchen(indicating). And this door was closed. In the kitchen there is a stove sits just there(indicating). On this side(indicating)of the stove I found three or four newspapers crumpled up in such a way that you would have difficulty in making them fit into an ordinary waste paper basket. They were not folded; they were crumpled so as to make a very large pile and be very loose at the same time. On the other side of this room(indicating), the other side of the stove I found the same thing. In one part of the main room, right in this corner(indicating), I saw the same thing,-- paper there, scorched. Mr. Buckholtz explained this by saying that he was in the habit when he got through reading a paper of throwing it on the floor.



Q. Did you find evidences of kerosene oil?

A. I examined this floor just there(indicating), and from the bed to there along the floor I could detect traces of kerosene oil.

Deft's counsel: In the bedroom?

The witness: On the flooring in the bedroom.

Q. Did you find any articles saturated with kerosene oil?

A. In making the investigation I ran across the remains of a bed sheet. It was saturated with kerosene oil, at least there was kerosene oil on it.

Q. Did you find any kerosene oil can on the premises?

A. I found a new can, a one-gallon kerosene oil can there.

Q. Is this the article(showing can)?

A. Yes sir.

By Defendant's Counsel:

Q. Where was that found?

A. I found it in the yard the next morning.

Q. How did you trace it to this building?

A. There was only one fire in the building that evening.

This is part of the debris.

Q. This article was found out in the next yard?

A. No sir.

Q. In the next premises?

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ORIGINAL

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A. No sir. I didn't say anything of the kind. I said I found it in the yard, and the yard I speak of was the yard of these premises.

Q. And in your opinion that necessarily came from these premises?

A. That was a part of the debris that came from the apartments that were afire. That is what a Truck Company or any company working at a fire does,-- throw the debris in the yard.

Q. You looked for evidences of kerosene in these premises?

A. Yes sir.

Q. And you have been connected with the Fire Department how long?

A. Eleven years.

Q. And you are quite an expert in discovering whether kerosene has been used or any explosive substances?

A. Yes sir.

Q. They always leave some evidence behind. If any kerosene is used you generally discover it?

A. It depends on the time you get there.

Q. You were there within a half an hour after the fire?

A. Yes sir. The evidences of kerosene having been used in a fire of that kind should have presented themselves a

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couple of hours after the fire.

Q. And you found no evidences of kerosene?

A. I said no such thing. I found it here(indicating).

Q. In the bedroom you found evidences of kerosene?

A. Yes sir, on the flooring.

Q. In any other part did you discover evidences of kerosene?

A. No sir, I did not.

Q. And you were looking for the evidences?

A. I was looking for the evidences, and I didn't find any other evidences of kerosene having been used only in the bed room and on that sheet.

Q. Do you recollect that he said this lamp burst in the bedroom instead of in the room you have stated?

A. No sir, he did not.

Q. There was no possibility of being mistaken?

A. No sir.

Q. You are positive he said it was not in the bedroom?

A. I am positive. The man told me and showed me where the table stood. He said it was on the table between those windows(indicating), and the lamp set there. He told me he was lounging on the lounge here(indicating), that he saw the blaze and he jumped up and tried to put it out.

Q. Did you make the arrest or cause it to be made?

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A. No sir. I notified Fire Marshal Mitchell, and he was the cause of the arrest.

Q. When was the arrest made?-- the same night?

A. I don't think it was. Mr. Mitchell will be better able to explain that.

Q. Did you make this affidavit? Mr. Mitchell makes an affidavit in relation to insurance. You know nothing about insurance?

A. The man told me he was insured for \$700. That was embodied with my examination of Mr. Buckholtz.

Q. What was embodied in your examination?-- The insurance?

A. Yes sir. I asked him a question whether there was insurance, and he told me there was insurance. That is a part of the examination, that question.

Mr. Mitchell: I want to submit in evidence the policy of insurance of the Germania Insurance Company handed to me.

Objected to as not connected.

Admitted in evidence, and marked Exhibit 2.

Mr. Mitchell: I offer in evidence the sheet referred to.

Same objection.

Admitted in evidence and marked Exhibit 3.

Mr. Mitchell: That is my evidence, your Honor.



0175

**POOR QUALITY  
ORIGINAL**

40

Deft's counsel: I move that your Honor dismiss the complaint and discharge the prisoner. There is no evidence connecting him with setting these premises afire.

Motion denied. Exception to defendant.

Deft's counsel: We won't put in any defence.

(Prisoner held to answer, in \$10,000 bail.)

0176

POOR QUALITY  
ORIGINAL

564

John F. Bucholtz

Inducted May 13/92

Stenographer's Transcript.

189



0177

POOR QUALITY  
ORIGINAL

564

*John E. Bucholtz*

*Inducted May 13/92*

Stenographer's Transcript.

189



0178

POOR QUALITY  
ORIGINAL

J. Fred. Buchholz 346 E 19th

April 24th 1892

1	1/2 Specimen Blk Wal Furniture	35	—
20	Yds. Rudy Brussels Carpet	50	—
2	Small Red Ties	15	50
2	"	20	40
2	Red Cloth	75	1 50
1	Thread	1 25	1 25
1	Ynglows Cloth	50	1 —
1	"	50	.50
1	Yellow Pillows	@ 1 —	2 —
1	Blk Brown Back Furniture	2 50	—
1	Yellow Shirt	1 50	—
1	Green Wrapper	1 —	—
1	Buff Cashmere Waist	2 50	—
1	Black Jacket	1 50	—
1	Ynglows Shirt	.50	—
1	White Shirt	—	—
1	Ynglows	3 —	—
1	Old Brown Shirt	75	—
1	Pair of Calico	1 —	—
1	Green Brown Waist	50	—
✓ 1	Green Black Trunk Shirt	—	—
1	Blk Woolen Shirt	1 —	—
1	White Shirt	75	—
1	Small Feather Pillow	50	—
1	Green Waist of Hand	5 —	—
1	"	3 50	—
1	Green Brown Chair	50	—
1	Small Sewing Table	50	—
		71 45	—



0179

POOR QUALITY  
ORIGINAL

2

1 Fancy Work Basket .50

14 Cornish Shells 10 .40

1 Cedar Holder .25

1 Tiger 1 Tidy .15

1 Ambrosia .23

1 Kitchen Talk 1.25

1 Lot Childrens Books 7. —

1 Pine Trunk 1.50

1 Heron's Oil in p on Shelf 1. —

1 Album 1. —

2 Bottle with Coat 1. —

2 Small Books .75

2 Placards

1 Flower Pot 1. —

1 New Sewing Machine 40. —

1 Book Basket .50

1 1/2 Boxes

6 Small Trunks 15

On Mantle

1 1/2 Long Vases 1. —

1 Pink Covered Clock 5. —

2 Small Vases .15 30

1 Glass Sugar Bowl 15

2 Match Boxes .10 20

Lot of Ornaments 5. —

1 Looking Glass 7. —

On Wall

65.28

0180

POOR QUALITY  
ORIGINAL

1 Rayon 5.—  
2 Poshel 3.— 6.—  
1 Small Picture 2.—  
✓ 1 Red Thread 1.—

Total Loss

2 for Rice Curtains 2.— 4.—  
1 on door 1.50

In Wash Tub

1 Large Red Sheet 1.50  
✓ 1 White Croch'd Gas on Mats  
1 Feather Bed 6.—

In Kitchen

1 Bread Box 2.50  
1 Cake n Cover 1.—  
1 for Rice Candle Sticks .35  
1 Small Plastic<sup>10</sup> Plates<sup>15</sup> 2.50  
1 Rubber Dish .15  
1 Set of Croch'd .35  
10 Plastic Glass 15 1.50  
7 Wine Glasses 10 .70  
1 Silver Plated Butter Knife 2.—  
1 Set Tea Set 7.50  
1 "Fanny & Frances Set Edge 2.—  
1 Store 8.—  
1 Trunk 5.—  
1 Table 3.50  
1 Hair Bed & Lounge 7.50  
2 Feather Pillows 3.50  
7.370

0181

POOR QUALITY  
ORIGINAL

4

1	Hook Rackets		.25
1	Hook Ruler		.75
1	Museum Oil Can		.15
1	Hook Ruler		.35
2	Can. Lumber Glue	1. -	2. -
20	Yds Oil Cloth	.15	3. -
	Lot Engraving Materials		5. -

*Polina Laitz*  
*Red Room*

1	Blotting Paper, Glue, and Washstand		16. -
1	Table Set		1.50
1	Glass Mugs		2. -
2	Leaves for Table		

*On Bureau*

✓	2	Pictures of the Antiquities		
✓	2	Chairs		
	2	Books	.15	3.00
	1	Alabaster Pin Cushion & Tidy		.25
✓	1	Small Box 6 Collar Buttons		.65
	1	Set of Roman Gold Bracelet		1.50
	1	Set of Roman Silver Bracelet		1.50
	1	Set of Silver Pins		.05
✓	1	Box		
	1	Shaving Cup 75	1. -	
✓	1	Box of Glass 1/2 the Glass		
				36.15

0182

POOR QUALITY  
ORIGINAL

Upper Draw

1° Tortoise shell	Leath fan	2.50
1	Painted fan	1.00
1	Round	.15
2	Plated. Spoon. Knife fork	1.25
2	for Glasses	2.00
2	Bracelets	1.00
1	Im. Dia Pin	.50

Second Draw

6	Table Cloths	1.00	6.00
1	Tidy		1.00
1	lot pieces stuff		1.00

Third Drawer

2	pa. <sup>ves.</sup> buffers	v. Stocked wool	.25
<del>1</del>	<del>pa. buffers</del>	<del>v. Stocked wool</del>	<del>.25</del>
2	Wine Shirts	.50	1.00
2	Long Table Cloths	1.25	2.50
1	Shoes		.75

First

24	Towels	.10	2.70
25	Handkerchiefs	.08	1.84
1	Short Skirt		.75
✓ 1	Gold Lace. White		

On Floor

1	Ladies Shoe	1.00
1	Umbrella	1.50
1	Net Red Skirt	1.00
1	Small Hand Satchel	.75
1	Diagonal Coat	3.00
1	Ladies thin Skirt	2.00

35.44



**POOR QUALITY  
ORIGINAL**

1. Dark Shawl		1. -
1 Double Breasted White Wool Jacket		1.25
1 Check Wrapper		1.25
1 Old pair Pants		.50
1 " "		.50
1 " Hooded Coat		.50
1 " pure Buckskin		
1 " " " " " " " "		.50
1 White Shirt		1. -
1 Ladies Dress		2.00
1 White Cotton Blouse		
1 " " " " " " " "		.50
1 " " " " " " " "		.25
1 " " " " " " " "	1. -	4. -
2 " " " " " " " "		1. -
1 " " " " " " " "		2.50
1 " " " " " " " "		2.50
2 " " " " " " " "		4. -
1 Valise		2. -
Pillow Cases in Washstand		5. -
1 Parasol		.50
1 Gold ring		3. -
1 Ivory Chain + Locket		1.50
1 Pz Gold earrings		3. -
1 Box Ball Book		1. -
1 Broom		.15
1 Spring Mattress		2.50

4250

0184

POOR QUALITY  
ORIGINAL

Handwritten notes on the left side of the page, including a large '4' and some illegible scribbles.

Handwritten numbers in the center of the page, arranged in a list-like fashion:  
71.45  
65.28  
78.76  
36.18  
35.48  
42.40  
334.42

## COURT OF GENERAL SESSIONS, - Part III.

----- -x  
 :  
 THE PEOPLE :  
 OF THE STATE OF NEW YORK : Before,  
 : Hon. Frederick Smyth,  
 -Against- : and a jury.  
 :  
 JOHN T. BUCKHOLTZ. :  
 ----- -x

Indictment filed May 13th, 1892.

Indicted for Arson in the first degree.

New York, May 31st, 1892.

## A P P E A R A N C E S.

For the People,

Assistant District Attorney Vernon M. Davis.

For the Defendant,

Mr Ambrose H. Purdy.

J A M E S M I T C H E L L, a witness for the people,  
 sworn, testified:

I am the Fire Marshal of this City. I know the  
 premises 346 East 49th Street. I made a diagram of those  
 premises which is correct. There are two stores on the  
 first floor; the rest of the building is a tenement house.

T H E R E S A F R E D E N S T E I N, a witness for the  
 people, sworn, testified:

I live at No. 346 East 49th Street, and lived there  
 on the 27th of last April. The defendant lived on the  
 same floor with me. I occupied premises in the rear with  
 my family. On the 27th of April about half past seven in

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POOR QUALITY  
ORIGINAL

2

the evening. My husband was sleeping on the lounge, and my children were with me in the kitchen. Mr Buckholtz knocked at my door and said "Hurry up and get out, the whole place is on fire." He had his coat on his arm and had no hat on. I called my husband and went out. I shouted "Fire" in the hall. The defendant said to me "It aint so much, it is only a lamp." Then I went down stairs. The defendant appeared to me to be excited at the time I spoke with him. One man said that Buckholtz set his place on fire, and Mr Buckholtz asked me who it was. I told him the man's name. Several other families live in that place besides me.

## CROSS EXAMINATION.

I was putting my children to bed at the time the defendant knocked at my door. He told me the house was all on fire. I procured my insurance papers, woke my husband and ran out with the children. The defendant said to me "Don't make so much noise, it's only a lamp." One of the men in the hall named Schieren said the defendant set fire to his place. I noticed that the defendant was very much excited.

F R A N Z   K A R L, a witness for the People, sworn,  
testified as follows:

I am the janitor of the premises 346 East 49th Street. At about a quarter after seven on the 27th of April I was lighting the gas on the ground floor. I heard a woman's voice shouting "Fire". I ran upstairs and asked where the fire was. I saw Mr Buckholtz standing in the private



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**POOR QUALITY  
ORIGINAL**

3

hall with his coat on his arm. He says, "It isn't much; my lamp has exploded." I went into Mrs Fredenstein's rooms I procured a pail of water, then went to the door of the defendant's apartments, but it was locked. I gave it a good push and opened it. There was plenty of smoke in the room, particularly around a bed which was in the middle of the room. I saw fire in a closet. I could not tell whether the doors of the closet were shut or not. I didn't see the defendant inside of his rooms at that time. There was fire in three or four different places in the defendant's rooms. When I got through putting water on I came out again into the hall, and I saw the defendant standing there. He did not help me nor did he give me any water to put on the fire. I saw a fire in the kitchen under the wash-tubs. I also saw fire in the front room. I then came out and gave the alarm. When I came back to the house I got another pail of water, and with the assistance of others threw plenty of water on the fire. I found fire still burning in the closet. There was something burning on the floor of the closet. I did not see any connection between the fire in the closet and the fire under the wash-tubs. I saw the Chief of the Fire Department talking to the defendant in the hall after the fire was over. I saw some spots on the floor in the kitchen at the time the Fire Marshal was there.

#### CROSS EXAMINATION.

When the defendant told me that his lamp had exploded I immediately went into Mrs Fredenstein's room, and asked for some water. I believe it was a spring lock that

0188

**POOR QUALITY  
ORIGINAL**

4

was on the door of the defendant's rooms. I didn't stop to see whether there was any connection between the different fires. I did the best I could to put them out. When I found they were gaining, I said it was time to give the alarm, and I did so.

C H A R L E S   S.   F R E D E N S T E I N, a witness for the People, sworn, testified:

I live at 346 East 49th Street. On the 27th of April I lived there with my wife and children. About 7 o'clock my wife woke me, and told me of this fire. I went to the door, and I saw over the fanlight of the defendant's room that his place was on fire. I ran back and pulled on my trousers and then gave some water to Mr Karl. When I came out the second time I saw a little blaze under the washtubs in the kitchen. I went through my rooms on to the fire escape, and I found out that the front room was ablaze. I got some more water and threw it on a big arm-chair which was blazing near the window of the rear room. When the fire was out I saw the defendant standing at my door; he had his coat on his arm. I heard him say nothing, only that his lamp exploded, and that the blaze must have travelled on a piece of carpet and got into the bedroom.

CROSS EXAMINATION.

I brought a pitcher of water first and afterwards I got a pail. I gave some water to Mr Schieren, who was helping to put out the fire. The janitor Karl was also helping us. I went out on the fire escape in the rear and I saw this chair ablaze; I put it out with a pail of water.

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**POOR QUALITY  
ORIGINAL**

5

J O H N T. S C H I E R E N, a witness for the people, being duly sworn, testified:

On the 27th of last April I lived at 346 East 49th Street. I got home at a little after 7 o'clock from work. I sat at the front room window, and all of a sudden somebody said "Fire." I went out. I could only see a little spark of fire in the bedroom of the defendant. The place was very dark and full of smoke. I tramped on the fire, and when I turned around I saw some fire behind me. I then got some water and put the fire out. When I returned again I saw a mat or something along by the washtubs burning. I took a basin of water and put that out. I saw a chair burning in the rear room. I pushed it over near the rear window. Somebody told me there was a fire in the closet, and I went and procured more water to put that out. The door of the closet was partially closed; you could see the flames coming out of the top. When I went in the first time I didn't see the fire at the wash-tubs in the kitchen, but I did when I returned the second time.

CROSS EXAMINATION.

The fire that I saw was a sort of a creeping fire. It seemed to be travelling on a mat that was in those rooms

C H R I S T O P H E R G R E E N, a witness for the people sworn, testified:

I reside at 346 East 49th Street. On the 27th of April last I was present at the time of this fire. I went out on the fire escape. I saw Mr Schieren and Mr Fredenstein there. I put my left foot through one of the windows and broke it. I saw a chair on fire right underneath the

0190

POOR QUALITY  
ORIGINAL

6

seat. I took the chair and threw it down into the yard. I threw some water on another fire that was in the same room. I handed some water to Mr Schieren to throw on the fire. I saw a blaze ~~xxxx~~ in the closet. Afterwards I saw the defendant and asked him if he was wet. He said no, he was neither burned nor wet. He had his coat hanging on his arm. I asked him how it happened. He said his lamp exploded. Somebody else asked him how it happened, and he said it was none of their business.

## CROSS EXAMINATION.

Three or four people had asked him how the fire occurred before he gave this answer that I have just stated

C H A R L E S   H O P P E R, a witness for the People, sworn, testified:

I am an Assistant Foreman in the Fire Department, attached to Hook and Ladder No.2. On the 27th of April my company received an alarm of fire at 346 East 49th Street. When we reached the premises I went upstairs on the third floor, and found there was a fire burning in the back room. We extinguished the fire in the back room, then discovered fire under the wash-tubs. We pulled that out, dashed a couple of buckets of water on it, and put it out. Then we discovered fire in the sitting room, also in the closet in the sitting room, and we put that out. The principal fire was in the rear room. The place was full of smoke, and there was quite a flame at times. We got in the hose and dashed it around a couple of times, and the entire fire was out.



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POOR QUALITY  
ORIGINAL

7

## CROSS EXAMINATION.

I didn't see the defendant there, and didn't hear anybody question him.

J O H N J. G R A D Y, a witness for the People,  
sworn, testified:

I am a Foreman attached to Hook and Ladder Company No. 2. About 7.15 in the evening of the 27th of April I went to the premises 346 East 49th Street. The first room I got into was the rear room. The fire was smouldering in that room at the time I reached there. I didn't notice any lamp in that room. There was a carpet on the floor and the fire seemed to have burned around it in places and separated and scattered. The burned places in the kitchen were seven or eight feet away from the door leading to the next room. I went into the bedroom and found a lot of clothing burning in the closet. That was taken out and the fire there extinguished. There was no sign of fire on the bureau on the side looking towards the door which leads into the kitchen. So far as I could see there was no connection between the fire in the kitchen and the fire in the bedroom. I saw lots of crumpled paper in three or four places in the sittingroom. I did not smell any oil there. I saw the defendant. I asked him how it occurred, and he said a lamp exploded.

## CROSS EXAMINATION.

The defendant told me he was sitting on a lounge in the kitchen; his lamp exploded; that he went in the bedroom to get a blanket to extinguish the fire, but the

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POOR QUALITY  
ORIGINAL

8

heat was so strong he couldn't stay there. I didn't ask him anything further.

T H O M A S F. F R E E L, a witness for the People,  
sworn, testified:

I am an Assistant Foreman in the Fire Department, attached to the Fire Marshal's Bureau. On the 27th of April I went to 346 East 49th Street. The place at that time was in charge of an insurance patrolman. I made an examination of the three rooms that comprised the defendant's suite. There were traces of burning all through the place. The walls were blackened. I found a lamp lying on that part of the partition that divided the bedrooms. The lamp was about two-thirds filled with kerosene oil. I found fragments of the globe of a lamp right near the same place. I noticed in one corner of the room some newspaper that had been crumpled up and was scorched with the heat. There were places burned in different parts of the room. There was a light graining on the door of the sittingroom, and it was blackened so that it resembled black walnut as much as anything on the side that was towards the sitting room. The other side of the door had not been burned or charred, but blackened by smoke. In the kitchen the window frames were pretty badly charred. I have seen a number of lamps after explosions. In my opinion the lamp which I produce here did not explode. My reasons for so stating are that the body in one place is not parted from the other. When lamps explode the explosion is caused by a vapor that is

0193

POOR QUALITY  
ORIGINAL

9

generally on the inside of the lamp trying to find vent, and in the effort of the vapor to do that the explosion is caused. If this lamp exploded that would be due to that cause, and some part of the lamp would have to go. The bottom of the washtub in the kitchen was charred. There was no connection between the burning in the kitchen and the burning in the sitting-room. The inside of the door of a closet in the sitting room had been burned. There was no evidence of any burning on the outside of those doors. I had a conversation with the defendant. He told me he was lying on a sofa in the kitchen and his lamp exploded in the front room. I asked him to show me where the lamp was, and he called me in and showed me the table on which the remnants of a lamp were. He said that as soon as the lamp exploded he jumped up from the sofa, ran into the bedroom and obtained a comforter or beadspread with which to subdue the flames; but that as he came out of the bedroom the flames had gained so much headway that they had got to the sill of the door dividing the kitchen from the main room, and he saw it was impossible to put the fire out. He also said "I have no reason for setting this place on fire. As far as ready money is concerned, I can show you a \$20 bill now, if you want to see it."

## CROSS EXAMINATION.

I got to the place after the fire was all over. I found a kerosene can setting on a chair in the kitchen. It was apparently empty. I have testified as an expert that this lamp did not explode.

0194

POOR QUALITY  
ORIGINAL

10

J O H N C. F I S C H E R, a witness for the People, sworn, testified:

I am Chief of Bataillion in the Fire Department. I went to the premises 346 East 49th Street on the night of April 27th, 1892. I made an examination of the premises. I had a talk with the defendant. I asked him in what way he accounted for the fire going to the different places, and he said it was the crash on the floor that carried the fire from one room to the other. I didn't see any crash on the floor or any evidence of any crash having been there.

O W E N D A I L Y, a witness for the People, sworn, testified:

I am a member of the fire patrol. On the 27th of April last I went to the premises 346 East 49th Street. I stayed there nine days and ten hours in charge of the place. I didn't allow anybody to disturb anything in the place.

G. F R A N K O R R, a witness for the People, sworn, testified:

I am an insurance adjuster and appraiser, and have been so for very nearly nine years. I went to the premises 346 East 49th Street, and examined the goods there as the representative of the insurance company. I made an estimate of the sound value of those goods.



0195

**POOR QUALITY  
ORIGINAL**

11

C A R L E. L. H E I N D R I C H S, a witness for the People, sworn, testified:

I am an insurance adjuster and appraiser. At my request the last witness made an appraisal of the value of those articles. I had a conversation with the defendant. I told him I had difficulty in finding him. I said, "Where were you at the time of the fire?" He says, "I was lying on the sofa or the lounge. I woke up and found the adjoining room was on fire." I said "There was a fire in the bedroom and in the closet. Don't you think it strange that a fire should start in the closet?" He says "I can't account for it myself, unless in my confusion I might have run in there and carried the fire myself." He told me he was a cook or a waiter, and had been sickly for some time.

J A M E S M I T C H E L L, recalled:

The insurance policy which I now produce I received from the defendant on the morning after the fire.

D E F E N C E .

J O H N F. B U C K H O L T Z, the defendant, sworn, testified:

I was born in Bremen, Germany, and have been here for 13 years. I have been a steward and cook since that time. The furniture in my house was bought on the installment plan. I have a bill here showing how much I paid for it. I have never been charged with any crime in my life.

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POOR QUALITY  
ORIGINAL

12

On the morning of the 27th of April I left the house. My wife said she expected a lady friend, and expected to be home early. I didn't feel well and I returned home. I had no money. I didn't ask my wife for any money on that morning. After I got home I went out and came back again. I got back about five o'clock. At half past six o'clock I lit the lamp in the parlor, but didn't put any globe on it. I lit a small lamp in the kitchen. I turned them both down and lay down on the lounge to sleep. Something woke me up. It was a choking sensation. I saw the whole place in flames. I got up and ran to the bedroom and got a spread, thinking I could go into the front room and extinguish the flames, but the heat was so intense and the smoke so strong that it drove me back, and I took the spread and threw it on the bed. In the excitement I might have put my coat on my arm. I know I went outside and gave the alarm of fire to Mrs. Fredenstein. I could not swear that I said my lamp had exploded. I heard her shout to her husband to hurry up and get the fire department. The janitor broke in my door. I went in and picked up the crash that was lying on the floor and threw it one side, while the other men were trying to put out the fire. Then there was a lot of clothing lying on an armchair that had been burning, and I jumped through the window, grabbed those clothes and took up the crash that had been on the floor, and put out the flame on all the chairs that were around there. I threw the crash into one corner of the room. I had a conversation with the Chief of the Fire Department. He asked me if I was insured, and I told him

0197

POOR QUALITY  
ORIGINAL

13

I was. My wife came home after the fire and I had a talk with her. I told Mr Fredenstein that to the best of my opinion the fire was caused by a lamp exploding. Myself and my wife bought the furniture that was in our rooms.

CROSS EXAMINATION.

The things in our rooms were bought on the 14th of November, 1890, The bill amounts to \$221.98. Before the fire my furniture was in as good condition as when I bought it. The balance I owed on the furniture was \$34 at the time of the fire. I played the races on that day in Murphy's pool-room. I had been in the habit of playing the races for some time. I drank five glasses of beer on that day, but I was not drunk. I felt a little dizzy in the head at the time I went home and lay down on the sofa. I told Freel I could show him \$20 at the time he was there. It was my own money. I am positive that this crash was on the floor and carried the fire from one place to the other. I believe there was a dress lying in a chair alongside of the washtubs. The curtains were burning on the washtubs, and those things might have been thrown into the closet. That is the only way I can account for the fire in the closet. I don't know that any of the neighbors in the house had any grudge against me or that they would be prompted to testify falsely against me.

L E N A B U C K H O L T Z, a witness for the defendant, sworn, testified:

I am the wife of the defendant. I was married to him on the 18th of November, 1890. We went to house-keep-

0198

POOR QUALITY  
ORIGINAL

14.

ing at 365 West 52nd Street. We bought our furniture of Solomon & Hyman, Third Avenue and 59th Street, on the installment plan. It was I took out the policy of insurance for \$700 on this furniture. The appraiser valued the property in that house as worth \$324.42. It was worth in my opinion considerably more than \$700, and I can tell the various items that bring it up over that amount. On the night of the fire I came home about a quarter past eight. When I came to the door I saw a whole crowd there. They would not let me go upstairs. I sat on the stairs awhile and finally my husband came down and told me that a lamp had exploded, and that the place was on fire.

#### CROSS EXAMINATION.

All of the articles in the house we have had since we went to house-keeping, and they were in good condition. When I got home I asked my husband what was the matter. He told me the lamp had exploded, and that we had a fire in our rooms. He said he was asleep on the lounge as he had not been feeling well in the afternoon; that when he woke up he found the whole place on fire; that he tried to put it out with the bed-spread but could not do it, and then he gave the alarm to different people in the house.

CHARLES A. LE FEVRE and FREDERICK SCHMIDT and WOOD T. CAVANAUGH testified to the good character of the defendant.

The jury returned a verdict of guilty of arson in the first degree.



0199

POOR QUALITY  
ORIGINAL

Indictment filed May 13-1892.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

a ainst.

John F. Buckholz.

Abstract of testimony on

trial, New York May 31st

1892.

0200

POOR QUALITY  
ORIGINAL

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs. Foreman F. D.

John F. Buckholz  
arson

Witnesses

Asst Foreman Hopper

H & L No 2

12 E 50th St

Truel

Frederick's office

Chief Fisher

Cp Fire Marshall

C E L Hurichs

58 Cedar St

District Attorney.

Frank Orr

206 & 208 Bway

Foreman Grady

Engine Co No 8

165 E 51st St

Patrolman Owen Daly

Fire Patrol No 3 W 30th St

Patrolman Inspect.

0201

**POOR QUALITY  
ORIGINAL**

Patrolman Tanfield  
no 3 W 30th

0202

POOR QUALITY  
ORIGINAL

FIRE INSURANCE EFFECTED IN FIRST CLASS COMPANIES AT LOWEST RATES.

*May 10/92.  
10-am*  
G. FRANK ORR,

Adjuster and Appraiser of Fire Losses,

206 & 208 BROADWAY,

Special Agent for  
SEDDON & RICE,

TELEPHONE 1911 COURTLANDT.

*New York,* May 10th. 1892

C. E. L. Hinrichs, Esq.

N.Y. City,

Dear Sir:-

As per your instructions I went on Saturday afternoon to the apartments occupied by Fred Buckholz at No. 346 East 49th. St. and appraised the sound value of the property contained therein and found same to be worth \$324.42 which I consider a very liberable estimate of what the property was valued at before the fire.

You will find enclosed herewith the inventory showing the amount I fixed as the value upon each article.

Very truly yours,





0203

POOR QUALITY  
ORIGINAL

J. Fred Buchholz  
✓ 367 West 52<sup>nd</sup> St  
Feb 10<sup>th</sup> 1891

# 284.233 \$700<sup>00</sup>

Invested in to live in State

No. 133 West 101<sup>st</sup>

Apr 27 / 91 (2<sup>nd</sup> list)  
St. 2 months lived in it - 1<sup>st</sup> list  
winded all creditors

No. 846 Columbus Ave

July 3<sup>rd</sup> / 91

Said to be in the State

No. 135 West 101<sup>st</sup>

Aug 7 / 91

346 East 49<sup>th</sup> St

Oct 8 / 91

we had a fire  
before —

0204

POOR QUALITY  
ORIGINAL

New York, ..... 18

SM

Bought of HERMAN MULLER,

DEALER IN

CHOICE .. GROCERIES,

FRUITS AND VEGETABLES IN SEASON,

338 East 49th St., Bet. 1st and 2d Aves., NEW YORK

Don't recollect when they  
bought oil last - bought  
Castor Oil - 1 gallon  
at time

Still

0205

POOR QUALITY  
ORIGINAL**At a Court of General Sessions of the Peace,**

holden in and for the City and County of New York, at the  
City Hall of the said City, on Mon day, the thirteenth  
day of June, in the year of our Lord One Thousand  
Eight Hundred and Ninety Two.

**PRESENT.**

The Honorable Frederick Smyth,  
Recorder of the City of New York, } Justice of the  
Sessions.

The People

vs  
John F. Buchholtz

On conviction by verdict of Jury  
in the first degree.

The above named, John F. Buchholtz,  
who was heretofore indicted by the Grand  
Jury of the City and County of New York for  
the crime of Arson in the first degree and  
who after trial in this Court was, on the  
second day of June, 1892, found guilty  
of the said crime, and who is now in  
confinement awaiting sentence, appearing  
to be insane.

It is now, upon motion of De Lancey  
Nicoll, Esquire, District Attorney, and  
pursuant with the statute in such case  
made and provided, ~~ordered~~

Ordered that William J. Gardner, Esq,  
Counsellor-at Law and Frank P. Foster  
M. D., all of the City and County of New  
York, be and they hereby are appointed  
a commission forthwith to examine  
the said John F. Buchholtz, with all  
convenient speed, as to his sanity at  
the time of such examination, and  
that due notice of the time and place

0206

POOR QUALITY  
ORIGINAL

of executing such commission be given  
to the said District Attorney

*Calver*  
*Hy*

New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK.

against

*John V. Buchholz*

Dated

*June 13<sup>th</sup> 1892*

ORDER OF COURT.

*filed June 13/92*

0207

POOR QUALITY  
ORIGINAL**At a Court of General Sessions of the Peace,**

holden in and for the City and County of New York, at the  
City Hall of the said City, on *Mon* day, the *thirteenth*  
day of *June*, in the year of our Lord One Thousand  
Eight Hundred and *Ninety Two*.

**PRESENT.**

The Honorable Frederick S. Smith,

Recorder of the City of New York,

Justice of the  
Sessions.

The People

vs

John F. Buchholz

On conviction by verdict of Arson  
in the first degree.

The above named, John F. Buchholz,  
who was heretofore indicted by the Grand  
Jury of the City and County of New York for  
the crime of Arson in the first degree and  
who after trial in this Court was, on the  
second day of June, 1892, found guilty  
of the said crime, and who is now in  
confinement awaiting sentence, appearing  
to be insane.

It is now, upon motion of DeLoane J.  
Nicoll, Esquire, District Attorney, and  
pursuant with the statute in such case  
made and provided.

Ordered that William J. Gardner, Esq.,  
Counsellor-at-Law and Frank P. Foster  
M.D., all of the City and County of New  
York, be and they hereby are appointed  
a commission forthwith to examine  
the said John F. Buchholz, with all  
convenient speed, as to his sanity at  
the time of such examination, and  
that due notice of the time and place



0208

POOR QUALITY  
ORIGINAL

... executing such commission be given  
to the said District Attorney.

*Entw...*  
*fy*

New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK.

against

*John V. Beckwith*

Dated June 13<sup>th</sup> 1892

ORDER OF COURT.

*filed June 13/92*

0209

POOR QUALITY  
ORIGINALJ. F. Bucholz 346 E 49<sup>th</sup> NY.

April 27. 1892.

1	Set Blk Walnut Fur. 6 per.	28-
20	yds Body Brussels	10-
2	Small Wool Ties	50
2	" " " "	40
2	Red Sheets	1.50
1	" Spread	1.25
2	Gingham Skirts	1
1	Small lace Curtains	50
2	Feather Pillows	2.00
1	Blk Beaver Sack Fur Trimmed	2.50
1	" Cashmere Skirt	1.50
1	Lawn Wrapper.	1-
1	Buff Cashmere Waist	2.50
1	Black Jersey	1.50
1	Gingham Skirt	50
1	Batis Skirt	
1	Pair Blankets	3.00
1	Old Skirt	75
1	piece Calico	1-
1	Brown Waist	50
1	Tabin, Plush Trimmed Skirt	
1	Blk Woolen Skirt	1.00
1	Night Gown	75
1	Small Feath. Pillow	50
1	Cross Table Marble Top	5.00
1		3.50
1	" " " " Chair	50
1	Small fancy Table	50
1		
1	Fancy Work Basket.	50
1		
1	Couch Shells	40
1	Cigar Holder	25
1	Judy	15-
1	Cropador	25.

7298

0210

POOR QUALITY  
ORIGINAL

21.

1	Kitchen Table	1.25
1	Lot Childs Wash	2 -
1	Lawr Tennis Shirt	
1	Kerosene Lamp on shelf	1.50
1	Album	1 -
1	Wottle with Boat	1 -
2	Small Books	75
2	Plaques	10
1	Flower Pot.	
1	Home Sewing Machine	40 -
1	Wash Basket.	50
1	pr Shoes	
6	Small Tidies	15. 90

## — On Mantel —

1	pr Long Vases	1.00
1	Chesh Clock	5.00
		30
2	Small Vases	15
1	Glass Sugar Bowl	20
2	Match Safes	2 -
1	Lot Cigarrents	7 -
1	Looking Glass.	

## — On Hall —

1	Crayon	5 -
2	Caskets	6 -
1	Small Tidies	2 -
1	Spread.	1 -

## — Total Loss —

2	pr Lace Curtains	4 -
1	" " " on door.	1.50

## — In Wash Tub —

1	large Red Spread	1.50
1	Long Cold Cash Dress	6.00
1	Feather Bed.	

91.65

0211

POOR QUALITY  
ORIGINAL

J

## In Kitchen —

1 Bread Box	25
1 Cake	1 -
1 for Brass Candle Sticks	35
1 Small Pitcher 10 Cups 15	25
1 Butter Dish	15
1 Set Crockery	350
10 Glass Goblets	150
7 Wine Glasses	70
1 Plated Butter Dish	2 -
Gilt Tea Set:	750
3 pieces Gilt Edge	20 -
1 Stove	8 -
1 Sink	5 -
1 Table	350
1 Hair Wood Lounge	750
2 Bath Pillows	350
1 Work Basket	25
1 Wash Water	75
1 Kerosene Oil Can	15
1 Wash Board	35
2 Cane Seat Chairs	2 -
20 yds Oil Cloth	3 -
Set Crockery Utensils	5 -

## Columbia Daily —

## — Bed Room —

1 Bedstead, Bureau, Glass + Washstand	16 -
1 Toilet Set	150
1 Elastic Mattress	200
2 Leaves for Table	

## — On Bureau —

2 Pictures. Crusaders	50
2 Plush Frames	30
2 Books.	

7850

0212

POOR QUALITY  
ORIGINAL

4

1 Alabaster join cushion + Tidy	25
1 Small bot. 6 Collar buttons	05
1 Jet + Roman Gold Bracelet	150
1 pr. Iron Wren Casing	150
1 lot Safety pins	05
1 Razor	
1 Shaving cup - 20 Home 75	100
1 pr. Gloves.	

## — Upper Drawer —

1 Tortoise shell feet fan	250
1 Painted "	1 -
1 Mirror "	15
2 Related Spoon Knife + fork	125
2 Hair Gloves	2 -
1 Bracelets	1 -
1 Iron Wren Pin	50

## — Second Drawer —

6 Table Cloths	6 -
1 Tidy	1 -
1 lot pieces goods.	1 -

## — Third Drawer —

5 Saddle Hoot	25
1 Blue flannel drawers	1 -
2 Knee shirts	250
2 Long Table Cloths	75
1 Home.	

## — Closet —

27 Towels	270
25 Handkerchiefs	184
1 Skirt	75
1 White silk dress.	

## — On Floor —

1 pr. Ladies shoes.	1 -
1 Umbrella.	150

3804



0213

POOR QUALITY  
ORIGINAL

5

1	Knit red shirt	1 -
1	Small Satchel	0.75
1	Dragon al Coat:	3 -
1	Ladies Thin Shawl.	2 -
1	Dark Shawl	1 -
1	White Wool Jacket.	1.25
1	Check Wrapper	1.25
1	Old Pants	.50
1	"	.50
1	Horsted Waist.	.50
1	for Sweaters	.50
1	Knickers	1 -
1	White shirt	2.50
1	Satin Dress	
1	<del>for</del> Collar & Cuffs	.50
1	Valis Sack	2.5
1	Gingham Apron	4 -
1	for Shoes	1 -
2	Grey Waists	2.50
1	White Shirts	2.50
1	Shuff	4 -
2	Hats	2 -
1	Valis	5 -
	Yellow Cases in Washstand	.50
1	Parabol	3 -
1	Gold ring	1.50
1	Ivory Hair & Pocket	3 -
1	hr. Gold earrings	1 -
1	Red Ball Blue	15
1	1. Brown	2.50
1	Spring Mattress.	

0214

POOR QUALITY  
ORIGINAL

48-7-70  
1000  
1000  
1000  
1000  
1000  
1000  
1000

Appraisal  
Proppa: 44  
326 East 12th St  
Q. Trunk Dr  
206-2nd Bldg

0215

POOR QUALITY  
ORIGINAL

James Piggott Esq

Sir

I am writing in vain to have some-  
 thing about my case of know of  
 which I was convicted before you  
 employed my counsel. I have been  
 my case in many but I have  
 been out nothing more. I have  
 been. When Mr. Piggott, my  
 brother, came into the  
 the court and I put of some  
 more and I was in the  
 of the court and I was for the  
 arguments. I was the only one  
 for I was the only one who  
 was not in the court. I was  
 in the court. I was the only one  
 who was not in the court.  
 I have suffered enough of which











02 19

POOR QUALITY  
ORIGINAL

Robee  
Bickhitz

U

0220

POOR QUALITY  
ORIGINAL

Court of Oyer and Terminer,

CITY & COUNTY OF NEW YORK,

And Court of General Sessions of the Peace,

Clerk's Office, June 3 1872

Received of James P. Danahy  
for the Mutual Mitchell  
Policy of fire insurance in  
Germania Fire Ins Co No 284233.

in favor of Fred Buchholz,  
appearing July 10, 1872 & renewed

Thomas D. Keel

0221

POOR QUALITY  
ORIGINALCITY AND COUNTY }  
OF NEW YORK, } ss.

Frank Karl  
 aged 30 years, occupation Electrician of No.  
340 East 49<sup>th</sup> Street, being duly sworn, deposes and  
 says, that he has heard read the foregoing affidavit of James Mitchell  
 and that the facts stated therein on information of deponent are true of deponent's own  
 knowledge.

Sworn to before me, this 5<sup>th</sup> }  
 day of May 1892 } Frank Karl

John Ryan  
 Police Justice.

(8692)

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thos. F. Freese  
 aged 34 years, occupation Fireman of No.  
23 Rutgers Street, being duly sworn, deposes and  
 says, that he has heard read the foregoing affidavit of James Mitchell  
 and that the facts stated therein on information of deponent are true of deponent's own  
 knowledge.

Sworn to before me, this 5<sup>th</sup> }  
 day of May 1892 } Thos. F. Freese

John Ryan  
 Police Justice.

(8692)



02222

POOR QUALITY  
ORIGINAL

(1885)

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *John F. Buchholz*

Question. How old are you?

Answer. *38 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *346 East 49<sup>th</sup> Street. 6 months*

Question. What is your business or profession?

Answer. *Waiter*

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

Answer. *I am not guilty*  
*John F. Buchholz*

Taken before me this  
day of *April* 1897

Police Justice.



0223

POOR QUALITY  
ORIGINALPolice Court 4<sup>th</sup> District.City and County } ss.  
of New York.

James Mitchell  
 of No. 159 East 67<sup>th</sup> Street, aged 52 years,  
 occupation Fire Marshal being duly sworn, deposes and says,  
 that on the 27<sup>th</sup> day of April 1892, at the City of New  
 York, in the County of New York, at or about the hour of seven o'clock  
 and ten minutes in the evening one John F. Buchholz,  
 now present, did wilfully and feloniously, in  
 violation of law made and provided in such  
 case, set fire to and burn a certain house known  
 as No. 346 East 49<sup>th</sup> St situated in the 19<sup>th</sup> Ward  
 of the said city of New York, the same being a dwelling  
 house in which there were at the time of the said  
 setting on fire human beings, to wit: one Franz Karl  
 and one Charles S. Freudenstein, tenants renting  
 apartments in said house; in that the said  
 Buchholz did set in his rooms on the 3<sup>rd</sup> floor  
 of said building, four separate fires, using kero-  
 sene oil therefore, one fire being set in the rear  
 or sitting room, another in the bed room under  
 the bed and in a chair near the bed and another  
 in a closed closet in said bed room, and lastly  
 in the kitchen under the wash tubs; that the  
 said Buchholz was on the premises at the time  
 of the setting of the fires; that he notified his  
 neighbors, <sup>Charles S. Freudenstein and his wife were then residing in</sup> on the same floor that there was a  
 fire in his rooms, telling them that a lamp had  
 burst; that he gave no alarm to warn other  
 tenants, but, on the contrary, when the woman  
 Mrs. Freudenstein began to cry fire in a loud  
 voice, told her not to do so, that it was nothing,  
 only the bursting of a lamp; that he made  
 no attempt to open his door (which was locked)  
 to those who responded to Mr. Freudenstein's alarm,  
 so that the door had to be burst <sup>by one Franz Karl</sup> up, and  
 that he did not render any assistance to  
 those endeavoring to extinguish the fire, but  
 disappeared and did not return until  
 after the arrival of the firemen; that articles  
 in the several rooms were found to be saturated

0224

POOR QUALITY  
ORIGINAL

more or less with kerosene oil; that no remains of an exploded lamp could be found in the sitting room, where the said Buchholz had said that one had burst, but that the unexploded brass bowl of a lamp about half full of oil was found there after the fire; that there was also found in the rooms an empty new one gallon can, bearing fresh traces of oil - Further that the property of the said Buchholz, contained in the said building, was insured in the Germania Ins. Co. of the City of New York, under policy No. 284.233, dated Feb 10<sup>th</sup> 1891, in the sum of Seven hundred dollars (\$700.) which amount of insurance was in excess of the value of said property -

All of which is set forth in information and belief -

Sworn to before me  
this 5<sup>th</sup> day of  
May 1892

Jas. Mitchell

John Ryan  
Police Justice

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Police Court

Offense.

189

Magistrate.

Officer.

Clerk.

Street.

Street.

Street.

Sessions.

to answer.

Dated

Witnesses

No.

No.

No.

0225

POOR QUALITY  
ORIGINALCITY AND COUNTY }  
OF NEW YORK, } ss.

Freda Freudenstein  
 aged 25 years, occupation Housekeeper of No.  
346 East 49th St Street, being duly sworn, deposes and  
 says, that he has heard read the foregoing affidavit of James Mitchell  
 and that the facts stated therein on information of deponent are true of deponent's own  
 knowledge.

Sworn to before me, this

5th

day of

May1898Freda Freudenstein

John Ryan  
 Police Justice.

(3692)

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles S. Freudenstein  
 aged 31 years, occupation Butcher of No.  
346 East 49th St Street, being duly sworn, deposes and  
 says, that he has heard read the foregoing affidavit of James Mitchell  
 and that the facts stated therein on information of deponent are true of deponent's own  
 knowledge.

Sworn to before me, this

5th

day of

May1898Charles S. Freudenstein

John Ryan  
 Police Justice.

(3692)

0226

POOR QUALITY  
ORIGINALCITY AND COUNTY } ss.  
OF NEW YORK.POLICE COURT, ✓ DISTRICT.Thomas F. Greelof No. 157 East 67 Street, aged ✓ years,occupation Asst Foreman Fire Dept being duly sworn, deposes and saysthat on the 24 day of April 1892at the City of New York, in the County of New York deponent here

Caused the arrest of one John F. Buchholz  
on the charge of having willfully set  
fire to the tenement dwelling house  
situate at 346 East 49 Street  
and deponent asks that said  
Buchholz may be committed to  
enable deponent to produce the  
proper evidence in Court

Thomas F. Greel

Sworn to before me this

of

189

day

Police Justice.



0227

POOR QUALITY  
ORIGINAL

7 Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Thomas J. Street*  
vs.  
*John F. Buchholz*

APR 11 1892

*Cham*

Dated, *May 4* 1892

*Ryan* Magistrate.

*Linz* Officer.

Witness, .....

.....  
.....  
.....  
.....

Disposition .....

.....

10000 *24 May 5-11am*



0228

POOR QUALITY  
ORIGINAL

10000.- By May 7 10 -  
" May 10 9 am

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

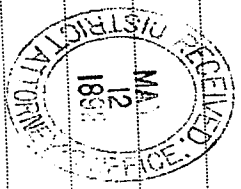
Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1. *John F. Buechler*  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
Offence *Bribe*

Dated *May 7 1892*

*John F. Buechler* Magistrate.  
*John F. Buechler* Officer.  
*John F. Buechler* Precinct.



No. *10000* Street \_\_\_\_\_  
*John F. Buechler*

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *ten thousand* Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated *May 7* 1892 *John F. Buechler* Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offence within mentioned. I order he to be discharged.  
Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

Court of General Sessions of the Peace in and for  
the City and County of New York.

The People of the State  
of New York  
against  
John F. Buckholz

To the Honorable Frederick Smyth,  
Recorder and Presiding Judge of the  
Court of General Sessions of the Peace  
in and for the City and County of New  
York.

The undersigned, the commission  
duly appointed by an order of this Court  
dated June 13, 1892 made in the above  
entitled action to examine the above  
named defendant John F. Buckholz  
as to his sanity at the time of such  
examination do respectfully report:

That the Commissioners duly took  
and subscribed the annexed oaths.

That due notice of the time and place  
of executing the commission was given  
to the District Attorney and to the At-  
torney for the Defendant.

0230

POOR QUALITY  
ORIGINAL

That the Commission was attended at the hearings herein by Charles E. Scimms Jr Esq. Deputy Assistant District Attorney representing the People and by Mess<sup>rs</sup> Purdy and McManus Attorneys for the defendant and by the defendant in person.

That the testimony offered by the respective parties was reduced to writing and is hereto annexed and forms a part of this report.

That from the record in this case on file in the office of the clerk of this Court, the testimony taken as aforesaid and from a physical examination of the defendant the commission find as follows:

1<sup>st</sup>. That the defendant John F. Buchholtz is now confined in the City Prison of the City of New York under conviction by a verdict of the crime of Prison in the first degree awaiting sentence upon said conviction.

2<sup>nd</sup>. That the said defendant was, at the time of our examination as appears from the said proofs, suffering from some physical disease of the right half of the brain, but he was fully competent to distinguish the difference between right and wrong.

Upon the foregoing facts we are of the opinion and do report.

That the said defendant John F. Buckholtz is "sane" within the legal definition of that term.

All of which is respectfully submitted  
Dated New York July 28, 1892  
Wenham J. Lardner

Frank S. Foster,  
Commissioners

0232

POOR QUALITY  
ORIGINAL

NEW YORK GENERAL SESSIONS OF THE PEACE.

----- x  
T H E P E O P L E  
: : : : :  
-against-  
: : : : :  
John Buchholtz.  
: : : : :  
----- x

City and County of New York, ss:-

*William J. Gardner* one of the Commission-  
ers appointed under order of this Court bearing date the  
13th day of June, 1892, being duly sworn, says that he will  
faithfully and honestly perform his duties as such Commission-  
er, and report herein to the best of his understanding and  
knowledge.

Sworn to before me, this)

<sup>7</sup>  
27 day of June, 1892. )

*Cornelius J. Carley*  
*Nathan L. Lusk*  
*N. Y. County*

*W. J. Gardner*



0233

POOR QUALITY  
ORIGINAL

NEW YORK GENERAL SESSIONS OF THE PEACE.

----- x  
T H E P E O P L E  
: : : : :  
-against-  
: : : : :  
John Buchholtz.  
: : : : :  
----- x

City and County of New York, ss:-

*Frank R. Foster* one of the Commission-  
ers appointed under order of this Court bearing date the  
13th day of June, 1892, being duly sworn, says that he will  
faithfully and honestly perform his duties as such Commission-  
er, and report herein to the best of his understanding and  
knowledge.

Sworn to before me, this)

*27<sup>th</sup>* day of June, 1892. )

*Frank R. Foster,*

*Wm. J. Smith,*  
*Notary Public*  
*N.Y. Co.*

0234

POOR QUALITY  
ORIGINAL

Court of General Sessions of the Peace  
for the City and County of New York.

----- x  
T H E P E O P L E

-against

John Buchholtz.  
----- x

We, the undersigned Commissioners duly appointed  
by order of the Court of General Sessions of the Peace  
for the City and County of New York, bearing date the 13th  
day of June, 1892, hereby give notice that we will examine  
the said John Buchholtz as to his sanity at the office of  
the District Attorney, No. 32 Chambers Street in the City  
of New York on Monday, 27th day of June, 1892 at 11 o'clock  
in the forenoon.

*Dated New York June 22-1892*  
Respectfully yours,

William J. Lardner,) :Commissioners  
Frank P. Foster, M.D.) 102 Broadway,  
N.Y.C.

*Noted and June 22*

0235

POOR QUALITY  
ORIGINAL

N. Y. General Sessions

The People of the  
State of New York

against

John F. Buchholz

Report of Commissioners,  
and Testimony

William J. Gardner

Frank P. Foster M.D.

Commissioners

Report of  
May 29/1912

9/13

0236

POOR QUALITY  
ORIGINAL

N. Y. General Sessions

The People of the  
State of New York

against

John F. Buckholtz

Report of Commissioners,  
and Testimony

William J. Gardner  
Frank P. Foster M.D.

Commissioners

Report Confirmed  
May 29/1912  
7/13

0237

POOR QUALITY  
ORIGINAL

COURT OF GENERAL SESSIONS

City and County of New York.

----- x  
: The People etc., :  
: against :  
: John F. Buckholz. :  
----- x

City and County of New York, ss:-

P. A. McMANUS being duly sworn, deposes and says:

That he is one of the counsel for the above named de-  
fendant; that defendant was on the <sup>3<sup>rd</sup></sup> day of June 1892,  
convicted in this Court of the crime of arson in the first  
degree, and that as yet no judgment has been <sup>entered</sup> ~~added~~ upon said  
conviction and no sentence passed.

Deponent further says that he has visited said defendant  
since his conviction in the Tombs; and that the defendant  
talked to him incoherently and unintelligently; that his  
wrists, hands and arms were secured by straps, to prevent him  
from doing himself bodily injury.

Deponent is informed by the keepers of the City Prison  
that it was necessary to shackle the defendant and confine  
him in the hospital ward, as they considered him insane and  
dangerous.

Deponent says that the said defendant Buckholz, appears  
now to be insane; and deponent asks the Court that a Commis-  
sion issue for the purpose of examining said defendant as  
to his sanity, before any sentence shall be passed.

Subscribed and sworn to before )  
me this 10th day of June, 1892.)

*Paul A. McManus*  
*Notary Public for*  
*City and County of New York*



0238

POOR QUALITY  
ORIGINAL

COURT OF GENERAL SESSIONS

The People etc.,

against

John F. Buckholz.

AFFIDAVIT.

Purdy & McManus  
Attorneys for defendant  
280 Broadway, N. Y. City.

Filed June 13/92

which under the  
entirely appropriate  
Archer. Frank P.  
Foster & Williams  
I have been, Counselor,  
John F. Buckholz  
has been Commissioner  
Regiment and  
to the present President  
Constitution of the  
Army, Capt. John  
F. Buckholz.  
Purdy & McManus  
Attorneys for defendant  
June 13/92

0239

POOR QUALITY  
ORIGINAL

526

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John S. Boudinot*

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

*John S. Boudinot* —

of the CRIME OF ARSON IN THE

*First*

DEGREE, committed as follows:

The said

*John S. Boudinot*

late of the *nineteenth* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *April*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the Ward, City and County aforesaid, with force and arms, in the *night* time of the said day, a certain *dwelling house* of one *Frank H. H. H.*, there situate, there being then and there within the said *dwelling house* — *some* — some human being, feloniously, wilfully and maliciously did set on fire and burn, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

*John S. Boudinot* —

of the CRIME OF ARSON IN THE

*First*

DEGREE, committed as follows:

The said

*John S. Boudinot*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the *night* — time of the said day, a certain *dwelling house* — *house* of one *Charles S. Breidenstein*, there situate, there being then and there within the said *dwelling house* — *house* — some human being, feloniously, wilfully and maliciously did set on fire and burn, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0240

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Buck, Edward

**DATE:**

05/25/92



4382

0241

POOR QUALITY  
ORIGINAL

Witnesses:

802

Counsel,

Filed

1892

day of May

Pleads,

THE PEOPLE

vs.

B

Edward Buck

VIOLATION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
III. Rev. Stat. (7th Edition), page 1083, Sec. 21, and  
page 1080, Sec. 23

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lincoln Cather  
Foreman.

F. June 27/92

0242

POOR QUALITY  
ORIGINAL

487

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Edward Buck*

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

The said *Edward Buck*,

late of the City of New York, in the County of New York aforesaid, on the *24th*  
day of *August*, — in the year of our Lord one thousand eight hundred and  
ninety- —, at the City and County aforesaid, the same being the first day of the week,  
commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain  
wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of  
whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one  
gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,  
unlawfully did sell as a beverage to one *Adam Lang* —

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

SECOND COUNT—

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

*Edward Buck* —

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS  
LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Edward Buck*,

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

DE LANCEY NICOLL,  
District Attorney.



0243

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Buckley, Christopher

**DATE:**

05/13/92



4382

POOR QUALITY  
ORIGINAL

0244

Witnesses:

Counsel,

1892

Filed

Pleaded

THE PEOPLE

vs.

VIOLETION OF EXCISE LAW.  
(Keeping Open on Sunday).  
III. Rev. Stat. (7th Edition), Page 1898, Sec. 5.)

Christopher Buckley

DE LANCEY NICOLL,

District Attorney.

Feb 3, Dec 14, 93 B.S.H.

A TRUE BILLINT sent to the Court  
of Special Sessions.

Per J. M. Dec 14, 93  
L. J. M. Dec 14, 93

foreman.

Feb 3, Dec 14, 93  
L. J. M. Dec 14, 93

0245

POOR QUALITY  
ORIGINAL

486

## Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Christopher Buckley

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

Christopher Buckley

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said Christopher Buckley 22<sup>nd</sup>  
late of the City of New York, in the County of New York aforesaid, on the  
day of July in the year of our Lord one thousand eight hundred and  
ninety-      , the same being the first day of the week, commonly called and known  
as Sunday, being then and there in charge of and having the control of a certain place  
there situate, which was then duly licensed as a place for the sale of strong and spirituous  
liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said  
place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day  
the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer  
and permit to be open, and to remain open, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

DE LANCEY NICOLL,  
District Attorney.

0246

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Buckley, Timothy

**DATE:**

05/27/92



4382

0247

POOR QUALITY  
ORIGINAL

Witnesses:

Carl Pass

Chamman Westphal

I am satisfied from  
an examination  
of the written case  
that the higher degree  
of crime proved to  
be against the  
defendant by a jury  
of men and women  
in the 32nd district has  
a family and is their  
main support. He is an  
industrious man. And  
that for his inebriated  
condition proved not his  
guilt the assault.

June 3rd 1901  
Wm. J. [Signature]

Counsel,

Filed

Pleas,

189

THE PEOPLE

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luigi S. [Signature]  
Foreman.

June 3rd 1901

Charles [Signature]

6 moos [Signature]



0248

POOR QUALITY  
ORIGINAL

Police Court 1- District.

CITY AND COUNTY {  
OF NEW YORK, } ss.

Emil Brass  
of No. 178 East Third St. aged 40 years  
occupation Laborer being duly sworn, deposes and says, that  
on Monday the 23 day of May  
in the year 1892 at the City of New York, in the County of New York,  
he was violently and feloniously ASSAULTED and BEATEN by Timothy Buckley

(unpresent) who maliciously <sup>and</sup>  
maliciously cut and  
stabbed deponent on the  
face with a knife then  
and there held in his  
hand cutting and  
injuring him severely

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

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

Sworn to before me, this 24 day  
of May 1892

[Signature]  
POLICE JUSTICE.

Emil Brass

0249

POOR QUALITY  
ORIGINAL

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*Timothy Buckley*

Taken before me this  
day of

Police Justice.

0250

POOR QUALITY  
ORIGINAL

BAILLED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court...

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles J. Grass  
178 East 34th  
Street  
Manhattan

Offense

Assault (Fist)

Dated

May 24 1892

No. 1, by

Residence

No. 2, by

Residence

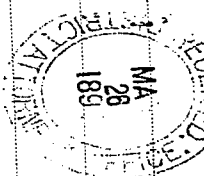
No. 3, by

Residence

No.

to answer

178 East 34th  
Street  
Manhattan



Witnesses

Herman Michael

No. 1, by

Residence

No. 2, by

Residence

No.

to answer

178 East 34th  
Street  
Manhattan

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 12 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, May 24 1892

Police Justice.

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

Dated, 189

Police Justice.

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

Dated, 189

Police Justice.

0251

POOR QUALITY  
ORIGINAL

474

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Timothy Buckley*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Timothy Buckley*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Timothy Buckley*  
late of the City of New York, in the County of New York aforesaid, on the *twenty third*  
day of *May* in the year of our Lord one thousand eight hundred and  
ninety-*two*, with force and arms, at the City and County aforesaid, in and upon  
the body of one *Emil Braess* in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*Emil Braess* with a certain *knife*,

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

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said  
*Timothy Buckley*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Timothy Buckley*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon the body of the said  
*Emil Braess* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *Emil Braess*  
with a certain *knife*,

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

0252

POOR QUALITY  
ORIGINAL

## THIRD COUNT—

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

*Timothy Buckley*

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

The said

*Timothy Buckley*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Emil Braess* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault and *him* the said with a certain *knife* *Emil Braess*

which

*he*

the said

*Timothy Buckley*

in

*his*

right hand then and there had and held, in and upon the

*face*

of

*him*

the said

*Emil Braess*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Emil Braess*

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

DE LANCEY NICOLL, *District Attorney.*



0253

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burge, Susanne

**DATE:**

05/27/92



4382

0254

POOR QUALITY ORIGINAL

937  
advised

Counsel,

Filed 27 day of May 1892  
Plends, Myerly Jones

THE PEOPLE

vs.

B

Susanne George

May 25 92

VIOLATION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. (7th Edition), page 1868, Sec. 21, and  
page 1869, Sec. 5.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Catlin  
Foreman.

Witnesses:

0255

POOR QUALITY  
ORIGINAL

487

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Susanne Burge*

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

The said

*Susanne Burge*

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

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

SECOND COUNT—

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

*Susanne Burge*  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS  
LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Susanne Burge*

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

DE LANCEY NICOLL,

*District Attorney.*

0256

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burke, Andrew

**DATE:**

05/20/92



4382

0257

POOR QUALITY  
ORIGINAL

Witnesses:

*Pat Ryan*  
*Ch. Cady*

Counsel, *A. J. May*  
Filed *May 2*  
Pleads, *May 2*

THE PEOPLE  
*24 Labors*  
*107 Grounds of*  
*P*  
*Andrew Barker*

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Luino Cathin*  
Foreman.

*Test 2 - June 2992*  
*Heads Assault 2nd Deg.*  
*S.P.H. yad.*



0258

POOR QUALITY  
ORIGINAL

Witnesses:

*R. R. [unclear]*  
*Ch. C. [unclear]*

Counsel, *A. C. [unclear]*  
Filed *May 1892*  
Pleads, *Magistrate*

THE PEOPLE

*vs*  
*Lab. [unclear]*  
*107 [unclear]*

*P*

*Andrew Burke*

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Lu. Lino Cadin*  
Foreman,

*Part 2 - June 24/92*  
*Reads answer 2nd Reg.*

*S.P.H. yad.*

0259

POOR QUALITY  
ORIGINALPolice Court—1st District.City and County } ss.:  
of New York,of No. 103 Washingtonoccupation BartenderPatrick RyanStreet, aged 29 years,

being duly sworn

deposes and says, that on the 12 day of March 1892 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by AndrewBunker (now present) who maliciously

maliciously pointed and aimed

a pistol at deponent. That said

deponent pulled the trigger at

the time and the cartridge did not

explode — That deponent closed the

door in front of said deponent

he then and there discharged said

Pistol the ball going through said

door. That said act was committed

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

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

Sworn to before me, this

17

day

of

May1892Patrick Ryan[Signature]  
Police Justice.

0260

POOR QUALITY  
ORIGINAL

(1835)

Sec. 198-200.

1 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

*Andrew Burke*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*MS*

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

Answer.

*No steady place*

Question. What is your business or profession?

Answer.

*Labour*

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

Answer.

*The pistol went off accidentally*  
*Andrew Burke*

Taken before me this

*17*

day of

*May*

*1894*

*John D. Burke*  
Police Justice.

0261

POOR QUALITY  
ORIGINAL

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

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Schmidt & Co. v. [illegible]*  
*103 [illegible]*  
*Anderson [illegible]*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offense *Assault*  
*Filing*

Dated, *May 17 1892*

Magistrate.

Officer.

Precinct.

Witnesses *Michael Bern*No. 109 *Madison Ave* Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

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

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

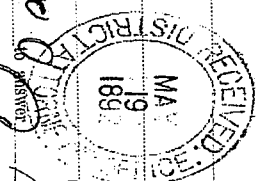
Dated, *May 17 1892* *[Signature]* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.



0262

POOR QUALITY  
ORIGINAL

473

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Andrew Burke

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

Andrew Burke

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

The said

Andrew Burke

late of the City of New York, in the County of New York aforesaid, on the twelfth  
day of May in the year of our Lord one thousand eight hundred and  
ninety-two with force and arms, at the City and County aforesaid, in and upon the body of  
one Patrick Ryan in the peace of the said  
People then and there being, feloniously did make an assault and to, at and against him  
the said Patrick Ryan a certain pistol then and there  
loaded and charged with gunpowder and one leaden bullet, which the said

Andrew Burke in his right hand then and there had and  
held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there  
shoot off and discharge with intent him the said Patrick Ryan  
thereby then and there feloniously and wilfully to kill, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Andrew Burke

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

The said

Andrew Burke

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, with force and arms, in and upon the body of the said  
Patrick Ryan in the peace of the said People then and there being,  
feloniously did wilfully and wrongfully make another assault, and to, at and against him  
the said Patrick Ryan

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the  
said

Andrew Burke

in his right hand then and there had and held, the same being a weapon and an instrument  
likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot  
off and discharge, against the form of the statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.



0263

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burke, Thomas

**DATE:**

05/13/92



4382

0264

POOR QUALITY  
ORIGINAL

Witnesses:

Counsel,

Filed,

Pleads,

1892

VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday.)  
(III. Rev. Stat. (7th Edition), Page 1989, Sec. 5.)

THE PEOPLE

vs.

B

Thomas Burke

and desire  
to be with  
Court of Appeal Sessions for  
and final disposition

Apr. 13 92

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John Carter

Foreman.

0265

POOR QUALITY  
ORIGINAL

486

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Burke*

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

*Thomas Burke*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said

*Thomas Burke*

late of the City of New York, in the County of New York aforesaid, on the 13<sup>th</sup> day of *July* in the year of our Lord one thousand eight hundred and ninety—, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0266

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burkhardt, Adele

**DATE:**

05/26/92



4382

0267

POOR QUALITY  
ORIGINAL

Court of Oyer and Terminer.

Counsel,

Filed, *26* day of *May* 189*2*  
Plends, *Not Enclig (mer)*

THE PEOPLE

vs.

*Adelle Burkhardt*

VIOLATION OF EXCISE LAW.  
[Ill. Revised Stat. (10th Edition), page 1988, § 21, and page 1989, § 5.]

Exhibit counsel and  
case against me be  
of Special Session  
and final disposition.  
1892  
DE LANCEY-NICOLL  
District Attorney.

A TRUE BILL.

*Adelle Burkhardt*  
Foreman.

Witnesses:



0268

POOR QUALITY  
ORIGINAL

2037

## Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Adele Burkhardt

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

The said

Adele Burkhardt

late of the City of New York, in the County of New York aforesaid, on the  
 day of August 3rd in the year of our Lord one thousand eight hundred and  
 ninety- at the City and County aforesaid, the same being the first day of the week,  
 commonly called and known as Sunday, with force and arms, certain intoxicating liquors, and certain  
 wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of  
 whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one  
 gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,  
 unlawfully did sell, as a beverage to one

Edward Bertel

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

## SECOND COUNT—

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

Adele Burkhardt  
 of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS  
 LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Adele Burkhardt

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

DE LANCEY NICOLL,

District Attorney.

0269

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burns, Dennis

**DATE:**

05/19/92



4382

0270

POOR QUALITY ORIGINAL

Witnesses:

James Burke  
Off. Sec. to

500/500

Counsel,  
Filed 19 May 1892  
Pleads, Chicago, Ill.

Grand Larceny, (From the Person.)  
[Sections 525, 526, Penal Code.]

THE PEOPLE

vs.

George Burns  
James Burns  
Spec. of Acquitted

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

James Burns  
Foreman.  
James Burns personally  
James Burns  
James Burns

0271

POOR QUALITY ORIGINAL

Police Court 2 District.

Affidavit—Larceny.

City and County of New York, ss: Mamie Burke

of No. 458 West 32nd Street, aged 17 years,

occupation Seamstress being duly sworn,

deposes and says, that on the 6th day of May 1892 at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in

the night time, the following property, viz:

a pocket book con-  
taining two dollars in good and  
lawful money of the United States  
22

the property of Deponent

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

Deponent was walking through West  
Thirty second street on her way  
home about the hour of 10 o'clock  
p.m. when the defendant met  
deponent between 9th and 10th Avenue,  
and defendant took hold of deponent's  
wrist and and snatched the said  
pocket book and money out of her  
hand and ran away with it. Deponent  
was returning home  
from church } Mamie Burke

Sworn to before me this 14 day of May 1892  
[Signature]  
Notary Public

0272

POOR QUALITY ORIGINAL

(1885)  
Sec. 198-200.

District Police Court

CITY AND COUNTY OF NEW YORK ss.

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

Question. What is your name?

Answer. *Dennis Burns*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *527 West 122nd St - 2 years*

Question. What is your business or profession?

Answer. *Redder*

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

Answer. *I am not guilty*

*Dennis Burns*

Taken before me this *14* day of *May*, 189*2*  
Police Justice.



0273

POOR QUALITY  
ORIGINAL

BATED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Hannie Drake  
438 West 32nd  
Dennis Burns

2 \_\_\_\_\_  
8 \_\_\_\_\_  
4 \_\_\_\_\_

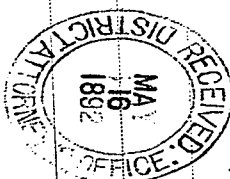
Offense Larceny for personDated, May 14 1892

Dinner Magistrate.

David S. Hunt Officer.

20 Precinct.

Witnesses  
Alice MacKintosh  
461-10, 32nd St.



No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

to answer

Frederick G. J.  
11

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 1500 Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated, May 14 1892 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0274

POOR QUALITY  
ORIGINAL

504

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against  
*Dennis Burns*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Dennis Burns*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Dennis Burns*  
late of the City of New York, in the County of New York aforesaid, on the *6th*  
day of *May* in the year of our Lord one thousand eight hundred and  
ninety-*two*, in the *night* time of the said day, at the City and County aforesaid,  
with force and arms,

*the sum of two dollars*  
*in money, lawful money of the*  
*United States of America, and*  
*of the value of two dollars, and*  
*one pocketbook of the value*  
*of fifty cents*

of the goods, chattels and personal property of one *Mamie Burke*  
on the person of the said *Mamie Burke*  
then and there being found, from the person of the said *Mamie Burke*  
then and there feloniously did steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

*Wm Lancy Nicoll*  
*District Attorney*

0275

**BOX:**

479

**FOLDER:**

4382

**DESCRIPTION:**

Burns, Thomas

**DATE:**

05/19/92



4382

0276

POOR QUALITY  
ORIGINAL

Witnesses:

Counsel, *575*  
Filed, *19* day of *May* 1892  
Pleads, *K. H. H. H. H. H.*

THE PEOPLE  
vs.  
*B*  
*Thomas Burns*  
POOL SELLING.  
(Section 351, Penal Code, and Chap. 479, Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Lewis Carter*  
Foreman.

Transferred to the Court of Special  
Sessions for trial and final disposition.

Part 3 ..... 1892

0277

POOR QUALITY  
ORIGINAL

512

## Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST*Thomas Smith*The Grand Jury of the City and County of New York, by this indictment  
accuse *Thomas Smith*

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said *Thomas Smith*late of the City of New York in the County of New York aforesaid, on the *fourth*  
day of *June*, in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, and not upon any grounds or race track  
owned, leased or conducted by any association incorporated under the laws of this State, for the pur-  
pose of improving the breed of horses, where racing was lawfully had, with force and arms, did  
unlawfully and feloniously record and register, and cause to be recorded and registered, a certain  
bet and wager, then and there made by and between one *Thomas Smith*,and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and  
contest of speed and power of endurance of and between a certain horse called "*Satan's Hand*"  
and divers other horses (a more particular description whereof, and of each of them, is to the Grand  
Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid,  
at a certain place and race track situated at *the town of Westchester*  
in the County of *Westchester* in the State of *New York*  
and commonly called the *main* *Path* Race Track, and which  
said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and  
race track aforesaid (a more particular description of which said trial and contest, and of the said  
bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid  
unknown, and cannot now be given), 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.



0278

POOR QUALITY  
ORIGINAL

## SECOND COUNT:

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

*Thomas J. Quinn*

of the CRIME OF POOL SELLING, committed as follows:

The said

*Thomas J. Quinn*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one *George*

and to divers other

persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "*Redie Hadnanda*" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Westchester* in the County of *Westchester* in the State of *New York* and commonly called the *Westchester* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.