

0157

BOX:

130

FOLDER:

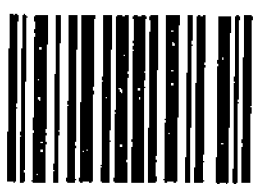
1353

DESCRIPTION:

Nagele, Charles

DATE:

02/29/84



1353

Witnesses

Officer B. Thompson

Det. at Present  
in Paris, France

Paris goes until  
100, Murray ~~Chapman~~  
Paris / 84 Broadway  
Paris - 82  
forth. 5-1

Dec 14/89

Produced by [illegible]  
[illegible]  
[illegible]

W. J. Cernichen  
[illegible]

310

Paris

Day of Trial,  
Counsel, [illegible]

Filed 29 day of Feb 1884

Reads [illegible]  
[illegible]

THE PEOPLE

vs.

Charles

W. J. Cernichen

PETER B. OLNEY,  
JOHN McKEON,

District Attorney.

Plads gully.

A True Bill.

[illegible]

[illegible]

[illegible]

Jan 28/89

Violation of Excise Law.

H. R. S. (Sunday) 1983

1989 55

0158

0159

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Fifth* District Police Court.

*Charles Nagels* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h *is* right to  
make a statement in relation to the charge against h *im*; that the statement is designed to  
enable h *im* if h see fit to answer the charge and explain the facts alleged against h *im*  
that he is at liberty to waive making a statement, and that h *is* waiver cannot be used  
against h *im* on the trial.

Question. What is your name?

Answer. *Charles Nagels*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *Germany.*

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

Answer. *149 1/2 St. Robbins Ave - 10 years*

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 did not sell anything*

*Charles Nagels*

Taken before me this *30*  
day of *June* 1938  
*William J. Justice*  
Police Justice.



0160

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 Charles Nagle

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 April 30th 1883 J. P. Morgan Police Justice.

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

Dated Apr 30 1883 J. P. Morgan Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0161

373  
Police Court-- 5 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Bernard C. Thompson

12  
Charles Nagels

Office Vis. & Exec. Law

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Apr 30 1883  
Morgan Magistrate.

Thompson Officer.

12 Precinct.

Witnesses

No.

No.

No.

\$ 100 to answer

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

0162

Police Court. Fifth District.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. } ss.

*Bernard C. Thompson*  
of No. *The 12<sup>th</sup> Precinct Police* Street,  
of the City of New York, being duly sworn, deposes and says, that on the *Sunday* day  
of *April* 18*83* in the City of New York, in the County of New York,  
At *2387 - Third Avenue*  
a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, *Charles*  
*Magill* (now here) did then and there expose for sale, and did sell, caused, suffered and  
permitted to be sold and given away, under his direction or authority, strong and spirituous liquors, wines, ale and beer,  
being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law ; and did not  
keep said place closed on said *Sunday* as required by law.

WHEREFORE, deponent prays that said *Charles Magill*  
may be arrested and dealt with according to law.

Sworn to before me, this *30* day  
of *April* 18*83*

*Bernard C. Thompson*  
*P. L. Morgan* POLICE JUSTICE.

0163

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Nagle*

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

OF THE CRIME OF **Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday**, committed as follows:

The said

*Charles Nagle*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *29th* day of *April* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 whisky, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~the~~ certain ~~the~~ 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

*Charles Nagle*

of the CRIME OF GIVING AWAY AND DISPOSING OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, ON SUNDAY, committed as follows:

The said

*Charles Nagle*

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: On the said *29th* day of *April* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County



0164

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 whisky, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~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.

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said —

— Charles Nagle —

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

Charles Nagle

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said 29th day of April in the year of our Lord one thousand eight hundred and eighty-three 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 certain premises at number 2387

5th Avenue

in the City and County aforesaid, which said place 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.

PETER B. OLNEY,  
**JOHN McKEON, District Attorney.**

0165

BOX:

130

FOLDER:

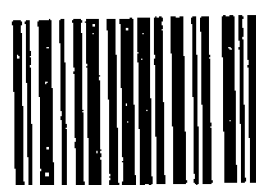
1353

DESCRIPTION:

Nathan, Bertha

DATE:

02/12/84



1353

Witnesses:

Counsel, *Ames & Hammond*  
Filed *12* day of *Feb* 188*4*  
at *St. Louis*  
*St. Louis*

THE PEOPLE

vs.

*P*

*Bartholomew*

*alias*

*Bartholomew*

PETER B. OLNEY,

JOHN McKEON,

*Attorneys*  
*at St. Louis*  
*filed June 5 1884*

Attorney

*McKee*

Foreman:

*Clayton*

*Wm. H. H. H. H.*

*1884*

0166



0167

413-109  
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of *Coroner's Office*  
No. *1345* *Chatham* Street in the *10th* Ward of the City of  
New York, in the County of New York, this *30<sup>th</sup>* day of *January*  
in the year of our Lord one thousand eight hundred and *84* before

Coroner,  
of the City and County aforesaid, on view of the Body of *Mary A. White*  
lying dead at

Upon the Oaths and Affirmations of  
good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
*Mary A. White* came to her death, do  
upon their Oaths and Affirmations, say: That the said *woman*

came to her death by *accident* the result  
of an abortion performed on her by *Mrs Bertha*  
*Nathan* of *932 Second Ave.* That said  
*Mary A. White* died on *24* of *January*  
*1884* at *336 E 50th St.*

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition  
set our hands and seals, on the day and place aforesaid.

JURORS.

<i>A. Jacobi M.D.</i>	<i>F. A. Otter M.D.</i>
<i>Edmund C. Wendt M.D.</i>	<i>108 W 34<sup>th</sup> St</i>
<i>136 W. 34</i>	<i>Henry S. Norris M.D.</i>
<i>B J Blankman M.D.</i>	<i>104 W 34<sup>th</sup> St</i>
<i>127 West 34 St.</i>	<i>Oliver Armstrong M.D.</i>
<i>James McLarrion M.D.</i>	<i>125 W 34<sup>th</sup> St</i>
<i>130 W. 34<sup>th</sup> St</i>	
<i>Charles Meyer M.D.</i>	
<i>144 W. 34<sup>th</sup> St</i>	
<i>Wm. F. Hester</i>	

CORONER, J. S.

0168

The People of the State of New York, on the Com-  
plaint of

vs.

List of Witnesses.

Bertha Nathan

NAMES

RESIDENCE

William T Jenkins M.D.	1	Coroner's Office
Sarah Kennedy	208	East 28 St.
Samuel F Reynolds M.D.	531	2 <sup>nd</sup> Ave.
Sergt McAdams	1	Police B.O.
Albert N White M.D.	336	East 55 St.
Francis Gleason	"	" "
Wm S. J. Campbell	28	Princt
Capt John Ginner	"	" "
Newton Whitehead M.D.	215	E 45 St
Julia Florman	336	" 55 "
Melinda Sullivan	305	" 24 St.
Hillie Watson	161	" 27 "
Anna Oppenheimer	336	E 55 St

0169

Coroner's Office.

TESTIMONY.

Samuel J. Campbell being sworn says:  
 I sent a Police Officer of 28<sup>th</sup> Precinct  
 May 23<sup>rd</sup> 1883 in the evening I was  
 ordered by the Coroner Martin  
 to arrest Bertha Nathan of 932  
 Second Ave. when she occupied  
 the parlor floor and basement. I  
 took the prisoner Mrs Nathan to the  
 Station House. I was ordered  
 to return to the house and search  
 for instruments. I found the  
 articles described. When I  
 I visited 932 Second Ave. I  
 found three female two girls and  
 a married lady. I then was  
 sent to 336 E 55<sup>th</sup> St for Mr White  
 and Miss Gleason who identi-  
 fied the prisoner Bertha Nathan.

S J Campbell

Taken before me  
 this 2<sup>nd</sup> day of January 1884  
 J. J. White

CORONER.



0170

Coroner's Office.

TESTIMONY.

Frances Gleason King says:  
 I reside at 936 E 50<sup>th</sup> St. The de-  
 ceased Mary A White is my  
 sister. I have seen the prisoner  
 Bertha Nathan before at her house  
 at 932 Second Ave. My sister  
 Mrs White sent me for Mrs Nathan  
 on Saturday afternoon June 5<sup>th</sup> 84.  
 Mrs Nathan returned with me,  
 when she arrived she and my  
 sister went into the parlor. I  
 went into the back room. They re-  
 mained in the parlor about half  
 an hour. Mrs Nathan then went home.  
 I went for Mrs Nathan again at  
 6.30 P.M. She returned with me  
 bringing a small patch. She  
 went into the front parlor bed room,  
 where she remained about an hour  
 with the door closed. I got a  
 clean <sup>tin</sup> pail and towels which my  
 sister asked for before she went  
 in. After remaining in the room  
 an hour, she the prisoner came  
 out with a ~~the~~ pail covered and  
 took it to the bath room, the pail  
 was striken with blood. June 6<sup>th</sup>  
 in the morning I went into the

Taken before me

this

day of

188

CORONER.

0171

Coroner's Office.

TESTIMONY.

bath room and found the tin  
 pail, the same I had seen the day  
 before. Clean. Mrs Nathan went  
 home and returned on the follow-  
 ing morning Sunday, and flew on  
 Monday. ~~Grand subject to any~~  
~~question~~

My sister told me what had hap-  
 pened and I asked her what be-  
 came of the baby, she said Mrs  
 Nathan had attended to it.

Mrs Nathan came to visit My sister  
 every day for eight days after the  
 operation. I was present when  
 my sister told Dr Reynolds that  
 Mrs Nathan had performed an  
 operation on her. I recognize  
 the satchel marked exhibit No. 1  
 as the satchel which Mrs. Nathan  
 brought to the house. My sister  
 had not been feeling well before  
 she sent me ~~before~~ for Mrs Nathan.  
 I did not know what was the  
 trouble matter with her. She had  
 been complaining from Thursday  
 Jan 3<sup>rd</sup> 1884. She complained  
 of headache and was lying down

Taken before me

this

day of

188

CORONER.

0172

Coroner's Office.

TESTIMONY.

part of the time - There was no blood on clothing prior to Saturday January 5<sup>th</sup> 1884. - My sister told me that she had been at Mrs Nathan's home on Thursday when an operation was performed by Mrs Nathan. She also told me that Mrs Nathan had operated on her. - Mrs Nathan did not give her any medicine that I know of. - Dr. Renold, was called on Monday January 7<sup>th</sup> 1884. My sister complained of feeling chilly on Thursday & Friday & Saturday January 3, 4 & 5<sup>th</sup>. - I saw Mrs Nathan take a syringe from her satchel while in <sup>front of her</sup> room, on January 5<sup>th</sup> 1884, between 8.30. & 9.30 P.M. the deceased was out and the rest of the time at home.

Counsel objects to all questions asked relative to the statements of Mrs White because during absence of prisoner.

Frances Gleason

Taken before me

this 3<sup>rd</sup> day of January 1884  
 Gerard F. Hedges

CORONER.



0173

Coroner's Office.

TESTIMONY.

5

Albert N. White being sworn says: I reside at 336 E 5<sup>th</sup> St. I am Keeper of the Morgue. The deceased Mary A. White was my wife. The first I knew of this case was on Sunday Jan'y 6<sup>th</sup> at about 1 P.M. I returned at that and while passing through the back room to go to the back room. I heard her deceased Wailing. I asked her what was the matter. She said she had Malaria and Neuralgia. I lighted my pipe and took the telegram and sat down. She still continued to moan. I went to her and said there is some thing more the matter with you than Malaria & Neuralgia, people do not moan so much with those troubles. She then confessed that she had had an abortion performed on Thursday Jan'y 5<sup>th</sup> in the afternoon, but she refused to tell me who performed the operation. I asked her if I could do any thing for her, she replied No, that she would feel much

Taken before me

this

day of

188

CORONER.

0174

Coroner's Office.

TESTIMONY.

better in the morning. I asked  
 her who was attending her, she  
 said she had a nurse. I  
 did not get up until 11 AM  
 Jan 7<sup>th</sup>. My wife told me that  
 the nurse had been there & gone.  
 Monday Jan 8<sup>th</sup> afternoon 8 & 9 AM.  
 while getting up I saw the pris-  
 oner for the first & last time.  
 Before I left I asked her how  
 she felt, she said better. that the  
 nurse intended to use out the  
 parts with Carbolic acid wash  
 but that she did not think it  
 necessary as there was scarcely  
 any discharge. I left the house  
 and went to my business and  
 returned early in the afternoon  
 as I saw she did not look  
 well. I sent for Dr Reynolds  
 between 9.30 & 10.30 Jan 7<sup>th</sup> 84.  
 he did not come and at 12 o'clock  
 she began to vomit & complain  
 of pain over the abdomen and  
 Dr Reynolds not appearing. I went  
 for Dr Gleeson. who recognized  
 me and asked what were  
 the troubles I told me to get

Taken before me

this

day of

188

CORONER.

0175

Coroner's Office.

TESTIMONY.

76.

I asked him what to do telling him what was the matter with my wife - he told me to get flax seed & mustard. When I got home Dr. Gleason came in about 2 minutes after I got home. He ordered me to prepare the plaster and the poultice. The plaster was kept on about 15 or 20 minutes and the poultice until it became cold - he gave her some medicine and was just leaving when Dr. Reynolds came in. Dr. Reynolds took charge of the case, and visited her twice a day. - I going to my work as usual. She got along very well until Monday week when she complained of pain in her kidneys.

During my wife's sickness I frequently asked her who performed the operation. until Jan'y 23<sup>rd</sup> between 11 & 12 P.M. when upon being told she was going to die. She said Mrs. Nathan performed the operation and had used an instrument.

Taken before me

this day of

188

CORONER.



0176

8

Coroner's Office.

TESTIMONY.

an syringe. When the operation was performed my wife was about 3 months advanced. She had had children and was in average health. She died January 24<sup>th</sup> 1884 at 2.55 P.M. She complained of the chill on Monday Jan'y 14<sup>th</sup> 84. She told <sup>me</sup> frequently for a year past that she did not intend to have any more children. Christmas night she spoke to me of having an abortion performed. I cautioned her against it. I want to posit that I have seen the prisoner before.

Albert W. White

Taken before me,

this 30<sup>th</sup>

day of

January 1884

Permanente

CORONER.

0177

Coroner's Office.

TESTIMONY.

9

Joseph A. Kennedy being sworn says:  
 I reside at 2088 28th St. I am  
 a dress maker. I knew the de-  
 ceased Mary A. White. Sunday  
 Jan'y 6<sup>th</sup> 1884 in the afternoon I  
 visited Mrs. White. I was told  
 that Mrs. White was sick and could  
 not see her. Monday Jan'y 7<sup>th</sup> 84  
 I called again and found her  
 sick. She told me not to speak to  
 her. She said to me that she had  
 Malaria, and neuralgia and went  
 something of her stomach. I visit-  
 ed her from time to time during  
 her sickness until her death.  
 January 20<sup>th</sup> in the evening she  
 told me that she had had a maid  
 carriage.

J. A. Kennedy

Taken before me

this 30<sup>th</sup> day of May 1884

J. W. Martin

CORONER.

0178

Coroner's Office.

TESTIMONY.

Dr. Daniel F. Reynolds being sworn says:  
 I live at 531 Second Ave. I am  
 a Physician. I was first called  
 professional to attend Mrs White  
 on 7<sup>th</sup> of January. I did not  
 arrive at the house until the  
 morning of Jan 8<sup>th</sup> between 10  
 to 11 AM. Dr. Ellis who had been  
 called in the interval - and inform  
 me in attendance. He had ordered  
 poultices of flour and and  
 mustard plaster - also the  
 United States solution of Morphine  
 to relieve pain. The Doctor had  
 his overcoat on and left for  
 home. I stepped up to the bed and  
 asked her what was the trouble  
 so I could treat her intel-  
 ligently. She told me she had  
 had a miscarriage. That an  
 instrument had been used and  
 also a syringe. but that every  
 thing had come away. I visited  
 her that again the same day in  
 the forenoon, and found on  
 examination digital for 5 days -  
 now tenderness when the fingers  
 come in contact with <sup>uteri</sup> ~~the~~ I did  
 Taken before me,

this

day of

188

CORONER.



0179

11

Coroner's Office.

TESTIMONY.

Not detect any thing in the dis-  
charge more than you would  
expect in an ordinary mis-  
carriage - in the afternoon she  
had a chill - and when I arrived  
in the evening she said she had  
vomited. - I found her pulse  
80° Temp 101.5° I put her under  
quinine treatment - Jan 9<sup>th</sup>  
about the same hour she had another  
chill which was also attended  
with nausea & vomiting.

I found her temp 105 - pulse 120.

I put her on quinine

Jan 10. Temp 101° Pulse 103

" 11 " Normal " 68

" 12

" 13

" 14

" 15

" 16

" 17

" 18

" 19

January 20<sup>th</sup> 1886 in the evening  
I called in Dr. J. J. J. J.

Taken before me

this day of

188

CORONER.

0180

Coroner's Office.

TESTIMONY.

12

July 23<sup>rd</sup> 1884 in the evening when told she was dying. I asked her if it was Mrs Nathan or not. She replied, yes, that had performed the operation. She replied, yes. I asked her if she knew what she was saying, she said: yes, yes.

The deceased was perfectly rational during the four or five days before her death. For two days before her death she was drowsy but when aroused she was rational.

When told she was dying, she said: then I am dying and I - I answer yes. She then said Mrs Nathan performed the abortion.

Daniel F. Reynolds M.D.

Taken before me

this 30<sup>th</sup> day of July 1884  
*[Signature]*

CORONER.

0181

13

Coroner's Office.

TESTIMONY.

William Meekins being  
 sworn says. I am Sergeant of  
 Police attached to Jupp's Marine  
 Staff at Police Headquarters. I  
 know the prisoner, whom I arrested  
 Feb 11<sup>th</sup> 1879 in East 27<sup>th</sup> St.  
 I made the raid and the arrest  
 on information that she had  
 produced the death of one  
 Chora Samson of New Jersey.  
 She was tried & convicted.  
 The prisoner was at that time  
 known as Bertha Berger. I think  
 the house was 124 E 27<sup>th</sup> St.

Council (All evidence with  
 reference to her commission  
 or conviction of any other  
 offense is taken subject to  
 objection of Council.)

William Meekins

Taken before me  
 this 3<sup>rd</sup> day of June 1884  
 J. J. J. J. J.

CORONER.



0182

Coroner's Office.

TESTIMONY.

a

William J. Audino, M.D., being sworn says: January 28<sup>th</sup> 1884 at 3.30 P.M. assisted by Drs. Janeway and Nick. I made an autopsy on the body of Mary A. White, white act 33<sup>yo</sup> 11 mos. said to have died January 24<sup>th</sup> 84 at 2.55 P.M. with following results: Body that of a healthy, well nourished woman. There was a spot of gangrene  $2\frac{1}{2}$  Centimeters posterior to the anus; 18 Centimeters in diameter. - Uterus: Cavity 11 centimeters, Cervix  $3\frac{1}{2}$  Centimeters, thickness of uterine wall 2 centimeters. - On posterior wall of cervix near the right border is a linear bluish, red depression 1 centimeter in length which has the appearance of a partly healed laceration of the mucous coat. The utero-vaginal veins of right side contain thrombi some of which are purulent. Left ovary contains a corpus luteum 2 centimeters in diameter. Right ovarian vein near ovary is converted into a cavity containing about 2 drachms of pus. There is a thrombus of right internal iliac vein extending through common iliac as far as view-carot. Mucous Membrane of uterine cavity inflamed

Taken before me

this

day of

188

CORONER.

0183

Coroner's Office.

TESTIMONY.

Especially over the seat of placental attachment, placental attachment on anterior wall near right corner. Small thrombosed veins extend from seat of placental attachment to ovarian veins. Also small thrombosed veins and lymphatics extend towards the uterus. vaginal veins and lymphatics from apparent cicatrix in mucous of cervix. There is about 1 ounce of dirty yellow pus in pelvic connection tissue of right side. Lungs seat of embolic infarction with abscess, pleurisy Liver and Kidney seat of Chronic parenchymatous degeneration.

Cause of death: Pyæmia from endo-metritis, cellulitis, phlebitis, lymphitis. Embolic abscesses of lungs, pleurisy following an abortion.

Wm. J. Jenkins, M.D.

Taken before me  
this

day of  
J. M. F. Martin 1888

CORONER.

0184

Coroner's Office,

CITY AND COUNTY OF NEW YORK, } SS.

*Gertha Nathan* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that ~~he~~ was at liberty to answer or not, all or any questions put to ~~her~~, states as follows, viz. :

Question—What is your name?

Answer—

Question—How old are you?

Answer—

Question—Where were you born?

Answer—

Question—Where do you live?

Answer—

Question—What is your occupation?

Answer—

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*She has nothing to say*

Taken before me, this *30<sup>th</sup>* day of *June* 188*4*  
*Samuel F. Carter*  
CORONER.



0185

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
33	Years. 11	Months Days.	Ireland	336 E 55th St.	Jan'y 25/84

Deposited in the Court day  
of January 1884  
before  
Bernard J. Nathan  
Coroner.  
Deceased  
Discharged  
Date of death January 24.



whereby it is found that she came to  
her death by the hands of  
Mrs. Bertha Nathan

On the view of the body  
Mary A. White  
Page 1083

HOMICIDE

AN INQUISITION

1884 2072 1884

9810

1884  
121 203

HOMICIDE

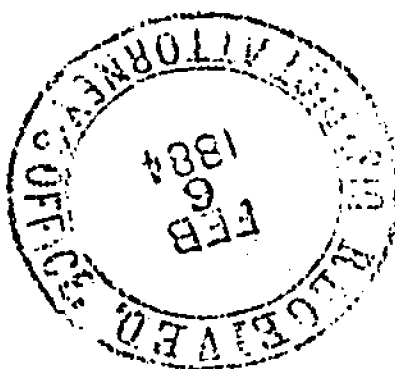
AN INQUISITION

On the VIEW of the BODY

Mary A. White

whereby it is found that she came to  
her Death by the hands of

Mrs Bertha Nathan



Inquest taken on the Dock day  
of January 1884  
before

Bernard J. Marler  
Coroner.

Committed

Prisoned

Discharged

Date of death January 24.

MEMORANDUM.

AGE.	33 Years, 11 Months, 11 Days.
PLACE OF NATIVITY.	Ireland
WHERE FOUND.	336 G St. N. W.
DATE, When Reported.	Jan 25/84

0187

South East Police Court  
N. Y. SPECIAL SESSIONS.

THE PEOPLE  
vs.

Bertha Nathan

BEFORE

Hon. M. J. Power,  
Police Justice

January 29, 1881

WITNESSES.

Direct. Cross. Re-called.

Albert L. White		1	
Lt. Daniel F. Reynolds		6	26
Frances Gleason		16	
Samuel J. Campbell	24		

DAVID S. VEITCH,  
Official Stenographer,



0188

FOURTH DISTRICT POLICE COURT.

City and County of New York.

THE PEOPLE

vs

BERTHA NATHAN.

Before

HON. M. J. POWER,

POLICE JUSTICE.

January 29th. 1884.

ASSISTANT DISTRICT ATTORNEY, HON. JAMES FITZGERALD,

for the PEOPLE.

JOHN O. MOTT, ESQ. for the defendant

ALBERT N. WHITE was now called for cross-examination.

Q (MR. MOTT) How long have you lived at 136 East 55th. St.?,  
Mr. White?

A Going on five years; four years and a half.

Q Did Mrs. White spend last summer there?

A Partly; she was out of town for a couple of weeks.

Q What time was she out of town?

0189

A I think it was July.

Q Where?

A Down to Rockaway.

Q And did she return in July or in August?

A I think she returned in July; she went away about the 5th. or 6th. of July; I would not be positive to the date, but she was gone for two weeks; she returned and remained home after that.

Q How large a family have you, Mr. White?

A I have four children, sir.

Q And their ages?

A Their ages from four to nine.

Q Does your business take you away from home daytimes?

A Yes sir; always away in the daytime.

Q Then, of your own knowledge, you do not know where Mrs. White was on the 2nd. of January?

A Yes sir, she was home on the 2nd. of January as far as I know.

Q If you were away all day you do not know where she was in your absence?

0190

A No sir.

Q What time did you go away on the 2nd. of January?

A My hours for going away in the morning are about twenty minutes of eight, and then I return at seven, eight or nine O'clock---- no particular time.

Q According as your business requires?

A Yes sir.

Q And do you know of her receiving any injury on the 2nd. of January?

A None to my knowledge, sir.

Q Did she make any complaint to you of having fallen on the ice?

A No sir.

Q At any time?

A Not to my knowledge.

Q Did she make any complaint to you?

A No sir, she made no complaint.

Q You have no personal knowledge of the matter set forth in this affidavit?



0191

A. Only what she told me <sup>on</sup> Sunday morning.

Q. You have no personal knowledge?

A. No sir.

Q. And when was she taken sick?

A. She was taken sick--- the first time I noticed her condition was on Sunday morning on the 6th. of January; when I come home I generally find her in bed; she retired about <sup>seven</sup> ten o'clock.

Q. And the first you know of any sickness at all was on the morning of the 6th. of January?

A. Yes sir.

Q. Did you and she occupy the same bed?

A. Yes sir.

Q. Up to what time?

A. Well, I occupied the bed with her on the 1st., 2nd., and 3rd. of January, and I think the 4th.; the 5th., I did not sleep with her on that night.

Q. That was Saturday night?

A. Yes sir, on Sunday morning.

0192

Q What time did you return on Saturday night?

A It was about one o'clock on Sunday morning.

Q When you got home?

A Yes sir.

Q Sworn to before me this 20th.

day of January 1904.

Albert N. White.

Chas. Crow

POLICE JUSTICE.

0193

City and County of New York ss.

D r. DANIEL F. REYNOLDS was now called for cross-examination.

Q (MR. MOTT) You are a practicing physician?

A Yes sir, a graduate of Bellevue Hospital Medical College.

Q Where is your place of business?

A 531 Second Avenue.

Q You attended Mrs. White?

A Yes sir.

Q And when did you first see her?

A It was on the morning of the <sup>8th</sup> ~~7th~~ inst. *Tuesday*

Q That was Monday?

A Yes sir, I think it was *Tuesday* ~~Monday~~.

Q What time of day was it you saw her?

A Well I should think it was about three o'clock in the morning-- between three and four o'clock.

Q On *Tuesday* ~~Monday~~ morning?

A Yes sir, the <sup>8th</sup> ~~7th~~.



0194

Q And where was she when you went there?

A She was in bed.

Q At what number?

A 330 East 55th.

Q And who was present when you went there?

A Mr. White was present and his sister-in-law.

Q Her name is Frances Gleason?

A Yes sir; and Dr. Gleisis; she summoned me in the fore part  
of the evening of the <sup>7th</sup> 6th. and I was away; I did not arrive  
until the morning of the <sup>8th</sup> 7th.

Q You got a message of that kind?

A Yes sir.

Q You went there?

A Yes sir, on <sup>Tuesday</sup> ~~Monday~~ morning.

Q You found who else there?

A Mr. White; his sister-in-law, and Dr. Gleisis.

Q Do you know where Dr. Gleisis' place of business is?

A It is in 55th. Street between Second and First Avenues on  
the Northside of the way, but I cannot tell you his number;

0195

I never met him before this time.

Q Had you ever attended Mrs. White before?

A Yes sir; I have been her family physician for about ten or twelve years.

Q You say you found her in bed?

A Yes sir.

Q Was there any female attendant?

A The only one I think was her sister-in-law.

Q Did you make any personal examination of her on that morning?

A I did, but my examination was this-----

Q I did not ask you what it was.

A Well if I took her pulse it was an examination.

Q You made an examination?

A I did, sir.

Q Now, without asking for anything she said, what examination did you make, doctor, and confine yourself strictly to it?

A I examined her stomach, and I found that she was tender

0196

*hypogastrium*

over the ~~epigastrium~~ and was complaining of pains, and what you would call a pressure and a bearing down sensation.

Q That you received from her statement?

A Exactly.

Q Well, that I did not ask you for.

A Well, I found a rapid pulse of about, say, 175 or 180; I did not take a memorandum of it-- and a temperature of about 103 and a half; very thirsty, and a tendency to nausea.

Q Any further personal examination did you make?

A No sir, not at the time.

Q What did you prescribe for her?

A I ordered hot flaxseed poultices, morphia to relieve the pain, and bismuth to quiet the nausea.

Q And when did you next make an examination?

A I next saw her on the following day.

Q And that would be the 8th.?

A <sup>yes</sup> ~~to~~ sir, I saw her the same day; I first off went early in the morning.

Q Did you make an examination of her then?

A I did, sir.



0197

Q What did you make?

A A vaginal examination after she made a statement of what had occurred; I found that there was a discharge, more or less sensitiveness of the parts, tenderness of the mouth of the uterus, but not excessively so.

Q Was that the examination made then?

A Yes sir.

Q And when after that, doctor?

A Well, I saw her every day after that, twice a day.

Q Did you make any other personal examination during her lifetime except the two you have spoken of?

A Yes sir, I made a second, and I think a third.

Q You have spoken of the second?

A The second was the vaginal examination to assure myself in regard to the state of things there; I can't say whether it was on the 10th., but I think it was according to the best of my recollection.

Q Well, what examination did you make then?

0198

A The same examination as before: still there was tenderness there and pain expressed whenever I touched the uterus, and a discharge which is indicative of a miscarriage.

Q And when was the next ~~examination~~ examination?

A I think that was the only examination I made that <sup>day</sup> ~~day~~.

Q During the lifetime?

A Yes sir.

Mr. White tells me I have made a mistake in regard to dates; if I was at home I could give you the dates. Every call that I make to patients who do not pay me at the time, I have it on the record book.

Q (DISTRICT-ATTORNEY) Was that the first time that you were called in, doctor?

A Yes sir, I was sent for on the 7th. but I did not arrive until the morning of the 8th.

Q You continued to treat her from that time up to the time of her death?

A Yes sir.

0199

Q What was the cause of her death?

A Endometritis or hospital gangrene and blood poisoning.

Q Was that the effect of an abortion?

A To the best of my opinion, yes.

Q You informed her she was about to die?

A I did, sir.

Q Did you ask her in regard to any person who produced the abortion?

Question objected to by the defense. No answer.

Q You subscribed to this deposition in which you state the conversation that took place between you and the deceased?

A Yes sir.

Q And that conversation is your best memory of what occurred?

A Yes sir.

Counsel for the defense now objected to the witness giving any conversation had with the deceased, and moved to strike out anything said by him in regard to her death on the ground that it does not appear that she herself thought that she was about to die; question allowed; exception by the defense.



0200

Q State further in relation to your examination whether or not it satisfied you that there was a miscarriage?

A Perfectly satisfied.

Q (MR. HOTT) The District Attorney put the question to you whether it was the effect of an abortion--- you mean that it was the result of a miscarriage?

A That it was a miscarriage--- I can only say from what occurred since and her statement.

Q It was from a miscarriage, but *how produced* ~~you protest~~ you have no personal knowledge?

A No sir.

Q (DISTRICT-ATTORNEY) Do you know anything else, doctor, of your own personal knowledge in relation to this?

A No sir, only the result of the autopsy; we found there was unmistakable evidence of endometritis; we found endometritis; we found abscesses; we found embolism<sup>sin</sup>, and in those veins which are directly connected with the uterus and the vena-cava we found blood poison and congestion of the lungs, the result of pyemia. ~~and hospital gangrene.~~

0201

Q (MR. MOTT) Was there any indication of external violence?

A There was this hospital gangrene, a patch which showed itself about the size of half a dollar when first discovered, and which rapidly spread, and, at the time of death was probably two and a half or three inches in diameter; about an inch posterior to the anus, buried to the depth of an inch or three quarters of an inch; I tried to stop its progress; that is the only external indication that I saw.

2 — Did you make any examination of that portion of the body during her lifetime?

A No, I did not.

Q Whether there was any bruise there or not?

A To my knowledge there was none.

Q You did not examine it, and you do not know whether there was or not?

A In applying poultices and cups to her back for pains she had there I did not discover anything of the kind; my attention was attracted by the smell, and I pulled the <sup>apart</sup> buttocks and I discovered this gangrene; otherwise, it might

0202

have passed my observation except from the odor; it was the result of pyemia.

Q Was it produced by any external injury?

A I think not.

Q <sup>Cause</sup> Doesn't gangrene ~~result from~~ destruction?

A Yes sir.

Q Were not the tissues destroyed there?

A Yes sir, as far as the gangrene had gone.

Q (DISTRICT-ATTORNEY) Is it usual when an abortion is produced that there would be any external evidence?

A No sir, I do not think there would be.

Sworn to before me this

20th. day of January 1884.

Daniel F. Reynolds M.P.

M. J. Owen

POLICE JUSTICE.



0203

FRANCES GLEASON was now called for cross-examination.

Q (MR. HOTT) Where did you live in the fore part of this month?

A 330 East 55th. Street.

Q With whom?

A With my sister, Mrs. White.

Q What day was it you went for Mrs. Nathan?

A On a Saturday, I think it was the 5th.

Q What time did you go?

A About half past three o'clock in the afternoon.

Q Was that the first time you had ever seen her?

A It was.

Q You were usually at the house all the time--- at your sister's house?

A Yes sir.

Q Did you go to school?

A No sir.

0204

Q. You never saw Mrs. Nathan before you called to her house  
in Second Avenue?

A. No sir.

Q. You went by direction of Mrs. White, your sister?

A. Yes sir.

Q. Did Mrs. Nathan come back with you?

A. Yes sir.

Q. You say in your affidavit here that Mrs. Nathan came and  
your sister went into the front room. Where was your  
sister when you got back with Mrs. Nathan?

A. She was sitting in the parlor.

Q. Who was sitting in the parlor with her?

A. A friend.

Q. Who was the friend?

A. A lady up stairs.

Q. What is her name?

A. Mrs. Hornum.

Q. Do you know what her first name is?

A. No sir.

0205

Q Her given name?

A No sir.

Q Does she live there in that house now?

A <sup>Yes</sup>  
~~No~~ sir.

Q You took Mrs. Nathan into the parlor where they were?

A Yes sir.

Q And where did you go then?

A The lady and I went outside in the backroom.

Q How long did Mrs. Nathan remain there?

A For an hour or three quarters of an hour.

Q Was your sister sick at that time?

A Not feeling very well.

Q She was not well at that time?

A No sir.

Q She was bundled up?

A Yes sir.

Q What way?

A With a cloak around her.

Q Anything else?



0206

A No sir.

Qx Did she have her feet wrapped up?

A No sir.

Q Did she have a mat there?

A There was a mat at the chair where she was sitting.

Q She was sitting up close by the stove?

A Yes sir; she had one mat on the floor and her feet on it.

Q How long had she been sick?

A Since Thursday she had not been feeling well.

Q From two days before?

A Yes sir.

Q Had she been lying down part of the time during the day?

A Yes sir.

Q Every day?

A Yes sir, since Thursday, and Friday she laid down and got up again, and Saturday the same.

Q She complained of chills?

A Yes sir.

Q Do you know where she was the next day after New Year's, the 2nd. of January?

0207

A She told me after she got sick that she went to Mrs. Nathan's house.

Counsel for the defense moved to strike out this answer; motion granted.

Q Did you know where she was?

A No sir, not at the time.

Q You did not know anything about where she was?

A No sir.

Q How long did Mrs. Nathan stay there?

A Half an hour or three quarters of an hour.

Q And when did you see Mrs. Nathan again?

A In the evening at six or half past six o'clock.

Q Did you go for Mrs. Nathan again on that day?

A Yes sir.

Q And Mrs. Nathan returned with you?

A Yes sir.

Q How often did Mrs. Nathan come there after that?

A Every morning for eight days.

0208

Q Was Mr. White there when Mrs. Nathan came there?

A One morning he was.

Q Are you sure that Mrs. Nathan brought a satchel there the second time she came there?

A Yes sir.

Q You say you say Mrs. Nathan take out a syringe from her satchel--- what sort of a syringe was it?

A We have one just like it at home.

Q Was it an ordinary rubber syringe; what was the color of it?

A White.

Q You have one just like it?

A Yes sir.

Q You say that Mrs. Nathan asked you for a tin pail?

A Yes sir.

Q Are you sure it was on the second occasion she was there that she asked you for a tin pail?

A It was.

Q Was not that tin pail kept in that back room?

A No sir.



0209

Q It was not in the back room when your sister and Mrs. Nathan went in there?

A No sir.

Q Where did you get it from?

A Down stairs from the storeroom.

Q Who called for that pail?

A My sister.

Q Mrs. Nathan did not send you for any pail?

A No sir.

Q Your sister sent you for it?

A Yes sir.

Q Was Mrs. Nathan there at the time you brought up the pail?

A Yes sir, I gave it to her.

Q (DISTRICT-ATTORNEY) You were living with your sister, Mrs. White?

A Yes sir.

Q You lived with her all the time?

A Yes sir.

Q Do you know of any fall that she had on the ice preceding that?

02 10

A No sir.

Q Mrs. Nathan is in this room at the present time?

A Yes sir.

Q You identify her here?

A Yes sir.

Q (MR. HOTT) I understood you to say that Mrs. Nathan attended your sister for about eight days?

A Yes sir.

Q Did you pay Mrs. Nathan any money?

A I got the money out for her, --\$10.00-- after the last day.

Q She attended her for eight days?

A Yes sir, on the eighth day I got the ten dollar bill.

Q You got the money by direction of your sister?

A Yes sir, and my sister gave it to her.

Q Did you see her give it to Mrs. Nathan?

A Yes sir.

Q Does the syringe produced here today look like the one that Mrs. Nathan had there at your house? A.-- Yes sir.

Sworn to before me this  
29th. day of January 1934.

*Francis Gleason*

*M. J. Cowley*

POLICE JUSTICE.

0211

City and County of New York ss.

SAMUEL J. CAMPBELL was now called on the part of the prosecution and having been duly sworn, deposes and says:

Q (DISTRICT-ATTORNEY) You are a police officer?

A Yes sir.

Q Connected with what precinct?

A 28th. Precinct.

Q Did you arrest the defendant, Bertha Nathan?

A Yes sir, I did.

Q Where did you arrest her?

A At 932 Second Avenue, between 49th. and 50th. Streets.

Q You arrested her upon a warrant?

A I arrested her upon the statement of the Coroner.

Q Did you make any search of her premises at the time of her arrest?

A Not at the time; I did the same night.

Q What did you find in the place?

A I found these articles.



02 12

The witness now produced a satchel, and emptied the contents of the same on the table before him.

Q Did you find them contained in that satchel?

A No sir; there was nothing in the satchel---- none of those articles were in the satchel.

Q The satchel was in her place?

A Yes sir.

Q You found those things there?

A Yes sir.

Prosecution now put the instruments which were contained in the satchel in evidence, and Dr. Reynolds mentioned each article by name:--- A bougie <sup>or</sup> and a catheter; a female syringe; two pessary; a forceps, it is called a placenta forceps, a sponge holder, two

specillum, three pessary, a glass male syringe, and a rubber syringe generally known as a female syringe.

Sworn to before me this  
29th. day of January 1884.

*W. J. Conley*  
POLICE JUSTICE.

*J. J. Campbell*

0213

D r. DANIEL F. REYNOLDS was now re-called.

Q (MR. MOTT) Is there anything there, doctor, (referring to the instruments) that you have not got the like?

A Yes sir; I have not these uterine supports.

Q With that exception there is nothing that you have not got?

A No sir.

Q Those articles are used in midwifery practice?

A Yes sir.

Q Those articles are used for womb supports in regular medical treatment?

A Yes sir.

Q They are usually used by placing them in the person and then removing them from time to time?

A Yes sir, we remove them occasionally.

Q They are nothing in any way connected with abortions?

A No sir; they are usually worn by females suffering from womb complaints.

Q (THE COURT) Did you ask the deceased in regard to any person who produced the abortion?

A I did, sir; I asked her was it Mrs. Nathan?

02 14

Q Did you ask her at that time was it Mrs. Nathan?

A Yes sir, I asked her was it the party who has been here as a nurse; she first signified "yes" by bowing her head; I said, "do you understand what I say?" and she said "Yes;" I repeated the question again, and she said "Yes", "Yes."

Q At what stage of your attendance upon her did she tell you that an abortion had been performed upon her?

A It was upon the 7th. or 8th. she told me that an abortion had been performed.

Q Did she tell the nature of the abortion?

A She said an instrument and a syringe had been used.

*(Daniel J. Murphy, Dist.)*

Sworn to before me this 29th.  
day of January 1934.

*W. J. Cowy*

POLICE JUSTICE.

The defendant was held to answer without bail.



0215

Court of General Sessions of the Peace,

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE

against

*Bertha Berger*

For

*Abortion*

To HON.

*Henry A. Gilderleeve*

District Attorney of the City and County of New York:

SIR—

Please take notice, that a motion will be made for the discharge of the above named prisoner *Bertha Berger*, (who is now imprisoned in the New York City Prison, on a charge of *Abortion*— having been committed to said City Prison, by Justice

~~on the~~ ~~day of~~ ~~1884~~ before the Honorable *Henry A. Gilderleeve* one of the Justices of said Court of General Sessions, at the opening of said Court of General Sessions, on the *13th* day of *October* 1884 on the ground that more than two terms of said Court of General Sessions have elapsed since the committal <sup>and indictment</sup> of the said *Bertha Berger*, and that he has not been brought to trial for the offense for which he is so committed and detained.

DATED, this

*10<sup>th</sup>*

day of

*October*

1884.

Yours, respectfully,

HOWE & HUMMEL,

Of Counsel for said

*Bertha Berger*

General Sessions, N. Y.

THE PEOPLE,

vs.

Bertha Berger

(Copy)

Notice of Motion for discharge  
of Prisoner.

HOWE & HUMMEL,  
Of Counsel,  
87 & 89 Centre Street  
N. Y. City.

To Peter B. Huey Esq

604 43 West 44th St  
N.Y. City 16-2 ELD

02 16

0217

Pea

<sup>N</sup>  
bachar

Law of dying deed. in Abbr. 1875 Ch 352

Miss Gleason says:

On Sat Jan. 5, my sister asked me to go  
for mail, mentioning her name & house  
— before that I knew nothing of  
Miss N. & had never seen her:

I went to Mrs. N. & home, asked if she  
knew them & she hurried came to the  
door; I told her Mrs. White wanted her  
to come to her home: I waited for  
her & we walked up together.

On the way back she asked me  
"How does Mrs. White feel?"

that was all.

N. Stayed then about half an hour  
talking with Mrs. W. alone — the  
factor.

Went again for Mrs. N. about 6 P.M.  
and told her Mrs. W. wanted her  
quick: she came up with me.

Went with Dr. R. & she left  
with Mrs. W. & R. when she came

She had the  
palated thin

ditto.



0218

Ally. St.  
I think I was  
went right in  
to Mr. St. R.  
I saw right  
out of the  
thing

bed. I remained in the R.

After Mr. St. met in Mr. Mark's  
room at a pair in the tin  
pair - a large 3 gal. tin pair =  
St. would fill pair & I gave  
it to her - -

I saw her when she picked up  
the Hatchel taken out a syringe  
as she went in - taking upon the  
count in to bed room the pair which  
had been set down near dumbwaiter.

I heard by sister say she  
had a syringe of her own -  
that the mid-wife was that  
Mr. St. she came herself to  
put back down.

After having seen Mr. St. came at  
into the D. R. when I was alone.  
she had the tin pair - it was  
covered over the top - covered with  
a cloth, think it was a pillow  
case - hanging out little over  
the sides, she had it when left hand  
brought me. & she went straight  
out into the hall & shut the  
door & went into back room & shut  
it. She stayed - back room 10  
minutes & came back

0219

3

I went into Mr. W's room & shut  
the door. I checked not being back  
the pair. I was - BR next  
morning abt 8 AM. I saw the  
pair in back room & it was  
then clear -

After Mr. A. sat in DR next  
me while trying to say; it  
said nothing about what had  
happened but said trying to say  
not to bother her. Mr. W. - then  
went away abt 10 P.M.

Had a nice two occasions conversation  
with Mr. & Mrs. W. afterwards as to  
other people whom A. had heard.

Jan the 11th \$10 50

0220

Per  
Richard

Memo of  
James L. Drake



0221

Court of General Sessions.  
People  
v  
Michael Tobin

Admissibility of Jury Declaration.

I. "There must be actual danger of death and a full apprehension at the time of such danger" *Sullivan v. J.*

*Sussex Peerage Case*

11 Cl. & Fin. 108, 112.

*Phillips v. Evidence*  
289.

II The state of mind is ascertained from the circumstances as well as from what he said and what was said to him.

*See Dean v. State* 16. Ala. 672

*Cumpher v. State* 11 Tex. 353.

*Oliver v. State* 17 Ala. 587.

III If deceased made the declaration under the idea that death was impending even though afterwards he had some hope of recovery

0222

the declaration is admissible.  
*State v. Telford*  
11 Hedell, 513.

IV The question depends on the state  
of the man's mind at the  
time of making the declaration  
and his belief that he is  
in a dying state.  
*Re. Reaney*  
7 Cox C. C. 209.

V "The result of the authorities seems  
to be that the dying person  
must be under the impression  
that his or her death is al-  
most immediately impending."  
139 C. C. 1  
*Reg. v. Jenkins*  
77 Cox C. C. 257

0223

The Rule as stated by Archbold (1 N. & Cr. R. & P. 2, 428) is that the evidence is receivable "when he is perfectly aware of his danger and entertained no hope of his recovery + + + the consciousness of the near approaching death being deemed equivalent to the sanction of an oath."

2 Russ. 753 "It is the impression of almost immediate dissolution + + + that renders the testimony admissible. Therefore, where it appears that the deceased, at the time of the declaration had any speculation or hope of recovery, however slight it may have been, and though death actually ensued in an hour afterwards, the declaration is <sup>in</sup>admissible."

Notes in Greenleaf 189.

Rey v Crockett, 4 Cr. & P. 344 is greatly relied on to support the rule quoted from Russell as to "hope however slight"; but in Crockett's case, it clearly appeared that the deceased was in some hope of getting



0224

will, for she asked the Doctor to do  
what seemed proper for the sake of  
her family.

People v. Obedson, 2 Wheel C.C.

398 ( N.Y. Mag. )

Edwards J. held that the declaration  
should not be "excluded in all cases  
when there was a faint and lin-  
gering hope of recovery"

This is doubted by Wharton; and no  
similar expression can be found  
in any other case that I have  
found.

The courts seem uniformly to  
have rejected declarations where  
there was an indication, however  
slight, of a lingering hope of  
recovery.

Rex v. Hayward 6 C. & P. 157.

see also cited in notes to (which -  
held Cr. Pr. & Pl. 430 strong).

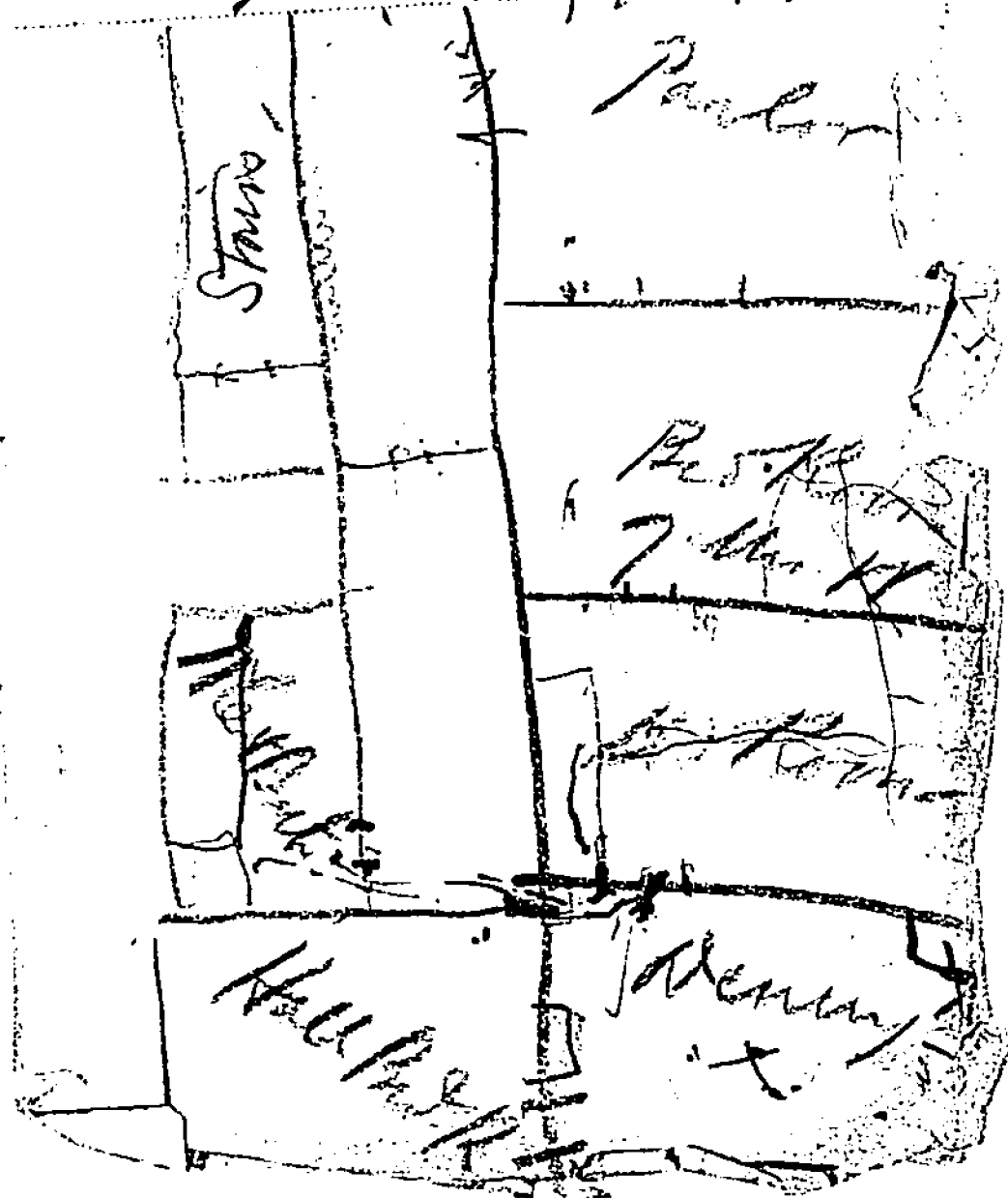
0225

DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Nathan  
155 Street  
Frank



0226

Bates Architect, E.  
Chal. diff.

W. E. Lawrence Inf 9, 22nd St.

John W. Rice Dry goods, Chal. diff.

Adrian. Lacey - Chal. diff.

Robt. Spive Furniture.

Thos. W. Jones.

Aaron Kahn Jeweler 609 3<sup>rd</sup> St.  
Chal. diff.

Tuesler



0227

Jos. H. Rielburg - clerk, Albion Hotel  
158 E. 1st St.

Edward F. Manning - Chas. dist.  
184 E. 1st St.

James J. Taylor - wool By court

Joseph A. Jewell - Barron

Henry Waller - Albion Hotel  
Chas. dist.

James J. Taylor

Chas. dist.  
Jacob W. W. W. - 85th St.

0228

Phoebe Turner Chel. deft.

Jos. R. Conklin Forward, Agent.  
Chel. deft.

Henry R. Miller Salesman -

Mr. W. Bradley 9 E. 14 Ave  
298 Broadway

Benj. Stein Mkt. Storage & Commission

Eugene Schnackenberg Bond & Mort.

0229

Blanche Brando-

Fisher chal. left.

Charles Magnus

Jam. Wootenburgh Harry goods 26 & 3 lbs.  
chal. left.

John Van Nieuwtein Holcroft 38 & 11 oz.  
chal. left.

Edith. Rooker James Rooker  
565 & 41 = 27.

Henry Mallock chal. left.

John Henry Strangways

William Claffin chal. left.



0230

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, ss.Police Court, 4<sup>th</sup> District.Keeper of Morgue at Bellevue Hospital  
of No. 336 East 53<sup>rd</sup> Street, being duly sworn, deposes andsays, that on the 3<sup>d</sup> day of January 1884

at the City of New York, in the County of New York, Bertha Nathan

(now her) did feloniously, wilfully, and intentionally, by an act immediately dangerous to another person, and evincing a depraved mind, regardless of human life (did per form an abortion as deponent was informed by his wife Mary A. White) regardless of human life and from the effects of which his said deponents wife died on the 24<sup>th</sup> day of January 1884 at 2.55 o'clock P.M. That said deponents wife gave deponent said information on the night of the 23<sup>d</sup> day of January 1884 at between the hours of 11 and 12 o'clock P.M. That she did then and there state to deponent that said defendant did feloniously perform an abortion upon her with an instrument and a syringe.

Deponent then for asks that she said Bertha Nathan be held to answer and dealt with according to law

Albert N. White

Sworn to before me  
this 24<sup>th</sup> day of January 1884  
Attest  
John J. Sullivan  
Notary Public

0231

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, ss.

Police Court, District.

I, Daniel J. Reynolds  
aged 43 yearsof No. 521 Second Avenue Street, being duly sworn, deposes andsays, that on the 7<sup>th</sup> day of January 1884at the City of New York, in the County of New York, deponent went

to the premises 336 East 55<sup>th</sup> Street, where deponent was called to attend a woman whose name deponent was informed was Mary A White, and deponent found on examining said Mary A White that she Mary was then suffering from pains and cramp in her abdomen, and said Mary A. White then and there informed me that she had a miscarriage. I asked the said Mary if she had done anything to bring on the said miscarriage. She then told me that she had an operation performed on her, and she refused to state by whom the operation had been performed. I asked her if the fetus or child had come away. She told deponent that it had. I asked her if the after birth and all had come away. She said yes, that she knew that it had for the doctor had been there, and examined her and every thing had come away and that she was all right. deponent continued to treat said Mary from that time until to day the 24 day of January 1884, and that she died on this day from the effects of hospital gangrene and blood poisoning which was produced from the effects of an abortion. ~~from~~ that on the night of January 23 1884 after I told



0232

Mary that she was dying, and that if she wished to make a statement in regard to the party that produced the abortion on her she had better make the statement now, or it would soon be too late to do so. She looked at me and said do you think I am dying, I said yes there are no hopes - I then asked her if this party known as Mr. Nathan who had been in attendance on her, had produced the abortion on her, she nodded her head signifying, yes. I repeated the question again and she Mary answered 'Yes'

Sworn to before me  
this 24 day of January 1884

D. F. Reynolds M.D.

City Town

Police Justice

Police Court, District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

187

Magistrate.

Officer.

Witness

Disposition



0233

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORKPolice Court, 2<sup>nd</sup> District.of No. 336 East 53<sup>rd</sup>

Street, being duly sworn, deposes and

says, that ~~on the~~

day of

1884

at the City of New York, in the County of New York,

My sister Mrs. Mary A. Muli who resided at the same house asked me on Saturday afternoon January 5<sup>th</sup> 1884 to go after Mrs. Nathan a midwife residing at 22 Avenue between 49<sup>th</sup> and 50<sup>th</sup> Streets in said City. I found Mrs. Nathan at home, she and I left together and reached No. 336 East 53<sup>rd</sup> Street about 4 o'clock P.M. - She Mrs. Nathan and my sister Mrs. Muli went into the front Parlor and had a talk. About 6 o'clock P.M. on the same day I went for Mrs. Nathan again at the request of my sister (Mrs. Muli) she Mrs. Nathan returned with me, Mrs. Nathan carried a Satchel and when she arrived she opened said Satchel and I seen her Mrs. Nathan take out a Syringe. My sister said I have got one, she Mrs. Nathan and my sister went into the front bedroom and closed the door. Mrs. Nathan asked me for a Tin Pail and Towels, she remained in the Bedroom about one hour and came out with Tin Pail covered (the Pail was streaked with blood) she Mrs. Nathan went into the Bath Room and next morning about 8 o'clock A.M. January 6<sup>th</sup> 1884 she deponent went into the Bath room and found the

0234

The Part Clean and the streaks of Blood  
 all washed off on Monday January 7  
 1884 Mr. Nathan told me to take the  
 Sheets down stairs they were all covered  
 with Blood and for several days the  
 Sheets were covered with Blood, I asked  
 what had become of the Baby and my  
 sister Mrs. White told me that it was  
 a boy and that Mr. Nathan had attend-  
 ed to it my sister told me that she  
 was going to have an abortion performed  
 Dependent further say that she recognize  
 Mrs. Bertha Nathan (now present) as the  
 woman, I went for at 2<sup>nd</sup> Avenue  
 between 49<sup>th</sup> and 50<sup>th</sup> streets to visit  
 my sister Mrs. White at No. 336 East  
 53<sup>rd</sup> Street and that she is the woman  
 who accompanied me to my sister's  
 House

Francis Gleason.

Subscribed before me  
 this 24<sup>th</sup> day of January 1884

J. W. Snow  
 Police Justice

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFRIDA VIT.

Dated

1887

Magistrate.

Officer.

Witness.

Disposition.



0235

Frances Gleason being sworn says she  
at No. 336 East 53<sup>rd</sup> St. my sister Mrs. White  
residing at said No 336 East 53<sup>rd</sup> asked me  
on Saturday afternoon January 3<sup>rd</sup> 1884 to go after  
Mrs. Nathan midwife residing at No. 2<sup>nd</sup> Ave.  
between 44<sup>th</sup> & 55<sup>th</sup> St. I found Mrs. Nathan  
at home, she & I left together & reached No  
336 East 53<sup>rd</sup> St. about 4 P.M. - The Mrs. Nathan  
& my sister Mrs. White went into the front parlor  
& had a talk.

About 6 P.M. on same day I  
went for Mrs. Nathan again at the request of my  
sister (Mrs. White) The Mrs. Nathan returned  
with me, Mrs. Nathan carried satchel &  
when she arrived - she opened said satchel  
& I saw her (Mrs. Nathan) take out a syringe.  
My sister replied I have got one - The  
Mrs. Nathan & my sister went into the front bedroom  
& closed the door - Mrs. Nathan asked me  
for soap & towels - she remained in the  
bedroom about one hour & came out with tea  
pail covered (the pail was streaked with blood)  
she went (Mrs. Nathan) into the bath room &  
next morning about 8 A.M. my sister & I  
went into the bath room & found the tea pail clean  
& the streaks of blood all washed off - on  
Monday, Jan 4<sup>th</sup> 1884 Mrs. Nathan told  
me to take the sheets down stairs, they were  
all covered with blood, & for several days the sheets  
were covered with blood, ~~my sister Mrs. White~~  
~~told me yesterday~~ I asked what had become of  
the baby & my sister Mrs. White told me that it was  
a boy & that Mrs. Nathan attended to it - my sister  
told me that she was going to have an abortion  
performed.

sworn to before me this 23<sup>rd</sup> day Jan 1884. Bernard H. Martin  
Clerk  
Frances Gleason.  
Frances Gleason being sworn says I recognize  
Mrs. Nathan who presen't in Capt. Gubner's room  
as the woman I went for at No 932 2<sup>nd</sup> Ave. to visit  
Mrs. White at No 336 East 53<sup>rd</sup> St. Frances Gleason.



0236

Sec. 198-200

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Bertha Nathan* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is *her* right to  
make a statement in relation to the charge against *her*; that the statement is designed to  
enable *her* if *she* see fit to answer the charge and explain the facts alleged against *her*  
that *she* is at liberty to waive making a statement, and that *her* waiver cannot be used  
against *her* on the trial.

Question. What is your name?

Answer.

*Bertha Nathan*

Question. How old are you?

Answer.

*40 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*932 Second Avenue, 3 months*

Question. What is your business or profession?

Answer.

*Doctors and Midwife*

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*

*Bertha Nathan*

Taken before me this *29th*  
day of *January* 18*95*

Police Justice.

0237

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

Bertie Nathan

guilty thereof, I order that ~~She~~ be held to answer the same and ~~she~~ be ~~admitted to bail in the sum of~~  
~~Hundred Dollars~~ committed to the Warden and Keeper of the City Prison of the City of New York, until ~~she~~  
~~give such bail~~ *be legally discharged*

Dated \_\_\_\_\_ 188

*W. J. Towan* Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.



0238

July 4, 1884  
" 29 3 PM

Police Court

District

Witness

1 Albert A. White  
336 E 55 St  
BAILED, Francis Gleason  
336 E 55 St

No. 1, by Julia Flornun  
336 E 55 Street

No. 2, by John Gleiser 307 E 55 St  
Residence 135 Lexington St

No. 3, by Daniel F. Reynolds M.D.  
Residence 208 East 28 St

No. 4, by Capt John Ginner  
28 Precinct

017 S Campbell 28 Precinct

Detective Sargent  
William Meakin  
60

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Albert A. White  
336 E 55 St

Bertie Nathan

Dated January 24 1884

Magistrate  
Capt John Ginner  
and Samuel Campbell  
28 Precinct

Witnesses Francis Gleason

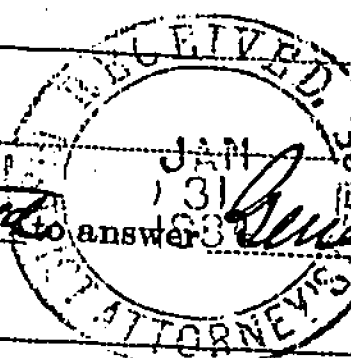
No. 336 East 53 St

Daniel F. Reynolds

No. 531 Second Avenue Street

No. \_\_\_\_\_ Street

Committed to answer \_\_\_\_\_ Sessions





0239

Department of  
*Public Charities and Correction,*

HENRY H. PORTER, Pres't., THOMAS S. BRENNAN, JACOB HESS, Com's.  
*Office of City Prison, Co'r Franklin and Center Streets,*

JAMES FINN.  
Warden.

*New York, Oct 14<sup>th</sup> 188*

*J Sparks  
Clerk of Court of General  
Sessions  
Dear Sir*

*Bertha Watson has  
been sickly and complaining for some  
time though it only due to her  
confinement in prison. She is able to  
go to court and stand her trial  
whenever call upon*

*Respectfully Yours*

*William L Hardy M.D  
Physician to Prison*

SECRET

in and for the City and County of New York.

T h e P e o p l e & c., :

against :

B e r t h a   N a t h a n .   :

X-X-Y-X-X-X-X-X-Y-X-X-X-X-X-Y-X-;

To Hon. Peter B. Olney,

District Attorney of the City and County of New York.

Sir:-

Please take notice that a motion will be made for the discharge of the abovenamed prisoner, Bertha Nathan, (who is now imprisoned in the New York City Prison, on a charge of abortion having been committed to said Prison, by Justice Powers on the 29th day of January 1884), before the Honorable Henry A. Gildersleeve, one of the Justices of the said Court of General Sessions, on the 23rd day of December 1884, at the opening of said court on that day on the ground that more than two terms have elapsed since the disagreement of the jury on the trial of said Bertha Nathan, and that she has not since been brought to trial for the offense for which she is committed and detained.

Dated, this 22nd day of December, 1884.

Yours, Respectfully,

H O W E & H U M M E L,

of counsel for said Bertha Natha<sup>n</sup>

0241

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss.:

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

Sworn to before me, this  
day of ..... 18 } }

N. D. General Sessions.

The People &c.

Plaintiff,

against

Portia Nathan

Defendant.

(copy)  
Notice of Motion.

HOWE & HUMMEL,  
Attorneys for *Portia*.  
87 & 89 CENTRE ST., New York City.

Due and timely service of copy  
of the within  
hereby admitted  
this ..... day of ..... 18.....

Attorney.

To Peter B. McQuay, Esq.

Dist. atty.

Motion granted  
Dec 24, 89



0242

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Bertha Nathan

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

Bertha Nathan

of the CRIME OF Manslaughter in the first degree, as  
a Second Offense  
committed as follows:

At a Court of General Sessions of the Peace in and for the City and County of New York, held at the City Hall in the said City of New York, on the twenty second day of March in the year of our Lord one thousand eight hundred and eighty, before the Honorable Henry A. Elders, Judge of the said Court of General Sessions of the Peace, Justice of the said Court, the said Bertha Nathan was in due form of Law convicted of Felony, to wit: Abortion, upon a certain indictment then and there in the said Court depending against one Frank Corcoran and her the said Bertha Nathan by the name and description of Bertha Berger, for that they the said Frank Corcoran, and the said Bertha Nathan, by the name and description of Bertha Berger then each late of the Twenty first Ward of the City of New York in the County of New York aforesaid, on the fourth day of February in the year of our Lord one thousand eight hundred and seventy nine, at the Ward, City and County aforesaid, with force and arms, in and upon one Cora Sammis (the said Cora Sammis being then and there a woman with child, feloniously and unlawfully

did make an assault, and that they the  
 said Bertha Nathan, by the name and  
 description of Bertha Berger, and Frank  
 Corapone, a certain instrument in and  
 into and upon the womb and body of her  
 the said Cora Sammis then and there  
 unlawfully and feloniously did insert, use  
 and employ, with intent on the part of  
 them the said Bertha Berger and Frank  
 Corapone thereby to produce the miscarriage  
 of her the said Cora Sammis; the said  
 insertion, use and employment, so as  
 aforesaid of the instrument aforesaid,  
 not being then and there necessary to  
 preserve the life of her the said Cora  
 Sammis, and not being then and there  
 necessary to preserve the life of the child  
 whereof she the said Cora Sammis was  
 then and there pregnant; by means of which  
 said inserting, use and employment of the  
 instrument aforesaid, in and upon the womb  
 and body of her the said Cora Sammis  
 by them the said Bertha Berger and Frank  
 Corapone, the said Cora Sammis became  
 mortally wounded and distressed, and  
 of the said mortal wounding and distress-  
 ing, so as aforesaid caused, at the Ward,  
 City and County aforesaid, from the said  
 fourth day of February in the year last  
 aforesaid, until the eleventh day of Feb-  
 ruary in the <sup>same</sup> year last aforesaid did die.

0244

quint, and languishing did  
live, and on which said Eleventh  
day of February in the year  
aforesaid she the said Cora  
Sammis at the Ward City  
and County aforesaid, of the  
said mortal mauling and  
distemp'ring did die.  
And also for that they the  
said Frank Coragone and Bertha  
rather by the name and  
description of Bertha Corger,  
then east side of the Twenty  
first Ward of the City of New  
York in the County of New York  
aforesaid, on the fourth day of  
February in the year of our  
Lord one thousand eight  
hundred and seventy nine  
at the Ward City and County  
aforesaid, with force and arms  
unlawfully and feloniously in  
and upon the body of one  
Cora Sammis, the the said  
Cora Sammis being then and  
there a woman with child,  
did make an assault, and  
did then and there unlawfully  
and feloniously advise and



0245

procure her the said Cora Sammis to submit to the use and employment of a certain instrument, in and about the wound and body of her the said Cora Sammis, and to submit to the insertion up into and upon the wound and body of her the said Cora Sammis of the instrument aforesaid, with intent on the part of the said Bertha Berg and Frank Coragone, thereby to produce the miscarriage of her the said Cora Sammis, the said use, employment and insertion as aforesaid of the instrument aforesaid not being then and there necessary to preserve the life of her the said Cora Sammis and not being then and there necessary to preserve the life of the child thereof the said Cora Sammis was then and there pregnant, by means whereof she the said Cora Sammis became mortally

wounded and dismembered, and  
 of the said mortal wounding  
 and dismembering the said  
 Cora Sammis at the ward, City  
 and County aforesaid, from the  
 fourth day of February in  
 the year aforesaid, until  
 the Eleventh day of February  
 in the same year aforesaid  
 did languish and languishing  
 did die, and on which Eleventh  
 day of February in the year  
 aforesaid, the said Cora  
 Sammis at the ward, City  
 and County aforesaid of the  
 said mortal wounding and  
 dismembering, did die.

And thereupon, upon the  
 conviction aforesaid, it was  
 considered by the said Court  
 of General Sessions of the  
 Peace of the City and County  
 of New York, and adjudged  
 that the said Bertha Nathan  
 by the name and description  
 of Bertha Berger, for the  
 felony aforesaid, whereof she  
 was convicted as aforesaid  
 be imprisoned in the Pen-

0247

mentioning of the City of New  
York for the term of five  
years, as by the record thereof  
doth more fully and at large  
appear.

And the said Benja<sup>n</sup> Nathan  
late of the Fifth Ward of the  
City of New York, in the County  
of New York aforesaid, afterwards  
to wit: on the 25th day of  
January in the year of our  
Lord one thousand eight  
hundred and eighty eight,  
being duly discharged <sup>by the said Judge</sup> ~~of his duty~~  
at the Ward City and County  
aforesaid, with force and arms,  
in and upon the body of Mary  
A. White then and there being  
a woman pregnant with child,  
feloniously and illegally did  
make an assault, and a  
certain instrument of a kind  
to the Grand Jury aforesaid  
unknown, and whereby a more  
particular description can not  
now be given, up and into and  
upon the mouth and body of her  
the said Mary A. White then and  
there feloniously did use and



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employ. with intent thereby to procure the  
miscarriage of her the said Mary A. White,  
the said use and employment of the instrument  
aforesaid not being then and there necessary  
to preserve the life of her the said Mary  
A. White:

And the said Mary A. White, by reason  
of the said use and employment of the  
instrument aforesaid, in and upon the womb  
and body of her the said Mary A. White  
by the said Bertha Nathan, became mortal-  
ly wounded and disordered, and of the  
said mortal wounding and disordering  
so as aforesaid caused, at the Ward, City and  
County aforesaid, from the day last aforesaid,  
in the year aforesaid, until the twenty  
fourth day of January in the same  
year last aforesaid, did languish and  
languishing did die, and on which  
said twenty fourth day of January  
in the year last aforesaid, the the said  
Mary A. White, at the Ward, City and  
County aforesaid, of the said mortal  
wounding and disordering did die.

And so the Grand Jury aforesaid do  
say: That the the said Bertha Nathan  
her the said Mary A. White, on the day  
and in the year aforesaid, at the Ward, City  
and County aforesaid, in the manner and form  
and by the means aforesaid, unlawfully and unlaw-  
fully did kill and slay against the form of the  
Statute in such case made and provided and against  
the peace of the People of the State of New York, and their dignity

Peter B. Olney, District Attorney.

0249

BOX:

130

FOLDER:

1353

DESCRIPTION:

Nelson, Hellena

DATE:

02/26/84



1353

0250

Witness:  
W. G. Russell  
Officer & in det.

No. 269

Counsel,

Filed 26 day of Feb. 1884

Pleads

*Not guilty*

THE PEOPLE

*W. F.*

vs.

*F*

*Dellman*

*Welson*

INDICTMENT.  
Grand Larceny in the 2nd degree.  
[Section 512 & 530]

PETER B. OLNEY,

~~JOHN WILKINSON~~

District Attorney.

*Dr. H. H. H. H.*

*Ind. & connected.*

A TRUE BILL

*W. H. H. H.*

Foreman.

*Pen 5 year.*



0251

3<sup>rd</sup> District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK } ss.4<sup>th</sup> Ward, 1<sup>st</sup> District  
of No. 943 Second

Henry F. Russell aged 21

Street, Avenue

being duly sworn, deposes and says, that on the 23<sup>rd</sup> day of February 1884

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent and from the person of deponent at right time

the following property, viz :

a Plated Watch &amp; plated Chain &amp; lockers

attached of the value of twelve dollars

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 Helena Nelson (now here)

from the fact, that at the hour of about 3 o'clock

in the morning of said 23<sup>rd</sup> day of February 1884

deponent met said Helena in Chrystie Street,

she asked deponent to take her to a Liqueur Store

to give her a drink,

deponent complying with her

request accompanied her to a Liqueur Store, and

while there, she took hold of deponent, that

deponent paid for two drinks, and then left

Sworn before me this

day of

1884

0252

Said Saloon, and deponent immediately missed said property, which had been worn by deponent in the left hand pocket of the Vest, then worn upon deponents person. Deponent followed said Melina and caused her arrest, and when deponent accused her of said Larceny she returned the Watch to deponent, and when deponent demanded his Chain & Pocket, she took the same from her stockings and returned the same to deponent.

Sworn to before me this  
23<sup>rd</sup> day of February 1886

Henry Franz Kessel.

John H. Moran Police Justice

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0253

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3

District Police Court.

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

Question What is your name?

Answer. Helen Nelson

Question. How old are you?

Answer. 33 years

Question. Where were you born?

Answer. Scotland England

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

Answer. Connecticut, 6 months

Question. What is your business or profession?

Answer. Chambermaid

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  
Helen Nelson

Taken before me this 9th  
day of February

188 9

John A. Sullivan  
Police Justice.



0254

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 Helene Stelian

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

Dated July 23 188 ✓ John J. Hoffman Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0255

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry P. Russell  
979 2<sup>nd</sup> St

1 Helene Nelson

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated July 23 188 8

Corrigan Magistrate.

Snider Officer.

10 Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

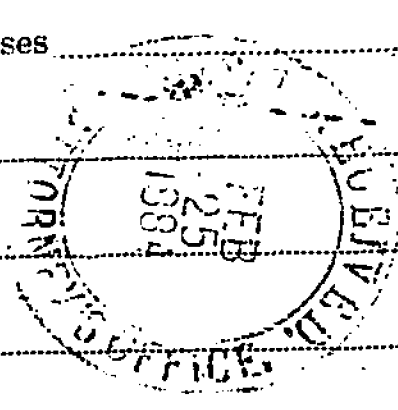
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 7.00 to answer Gent

Committed

1131  
Offence taken from paper  
at night time



0256

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Suzanna Nelson*

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

of the CRIME OF GRAND LARCENY IN THE *First* DEGREE, committed as follows:

The said *Suzanna Nelson*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *23rd* day of *February* in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms *in the night time*

*of said day, one watch of the value of nine dollars, one chain of the value of one dollar, and one pocket of the value of two dollars*

of the goods, chattels and personal property of one *Henry F. Quersel* on the person of the said *Henry F. Quersel* then and there being found, from the person of the said *Henry F. Quersel*

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.

PETER B. OLNEY,  
**JOHN McKEON**, District Attorney.



0257

BOX:

130

FOLDER:

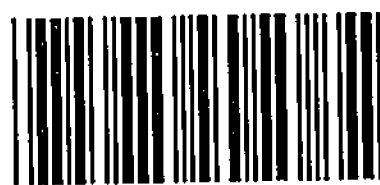
1353

DESCRIPTION:

Nesselhauf, Joseph

DATE:

02/08/84



1353

0258

BOX:

130

FOLDER:

1353

DESCRIPTION:

Nesselhauf, Mary

DATE:

02/08/84



1353

Witnesses:  
Officer Groden  
Inspector Gilson

No 81 227

*[Signature]*

Day of Trial, Feb 20

Counsel,

Filed 8 day of Feb 1884

Pleads Not guilty

THE PEOPLE

vs.

B

James Verselland

and

30 128 Hester

B

James Verselland

PETER B. OLNEY,  
JOHN MCKEON,

District Attorney.

12 Feb 20/12 Sent to Jail

pleads guilty

A True Bill

*[Signature]*

Not reached Feb 15. 9/10/12

Part II, Feb 20, 9/10

0259



0260

Sec. 198-200

3d District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*Joseph Kesselhoff* being duly examined before the under-  
signed, 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. *Joseph Kesselhoff*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *128 Gleester Street, 4 months*

Question. What is your business or profession?

Answer. *Expressman*

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*  
*Joseph Kesselhoff*

Taken before me this

day of *February* 188*8*

*John J. Thompson*  
Police Justice.

0261

Sec. 198-200

3d District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Question. What is your name?

Answer.

*Mary Kesselhoff*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*128 Heester Street 6 months*

Question. What is your business or profession?

Answer.

*I take care of my house and attend a Lager Beer saloon*

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*

*Mary Kesselhoff*

Taken before me this

day of

*February*

188

*John J. Connelley*

Police Justice.

0262

Sec. 151.

Police Court—3 District.

CITY AND COUNTY }  
OF NEW YORK, } ss *In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Crescentia Flor

of the Garden or about that on the 25 day of November

1883, at the City of New York, in the County of New York John & Mary Kesselhoff

did keep and maintain at the premises known as Number 50 Christie

Street, in said City, a House of Prostitution

and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Mary Kesselhoff & John Kesselhoff

and all vile, disorderly and improper persons found upon the premises occupied by said Mary & John

Kesselhoff and forthwith bring them before me, at the 3 DISTRICT POLICE

COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 1<sup>st</sup> day of February 1884

John Korman POLICE JUSTICE.



0263

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

*John Nesselhoff and Mary Nesselhoff*

guilty thereof, I order that <sup>each</sup> they be held to answer the same and <sup>they</sup> be admitted to bail in the sum of <sup>Two</sup> Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until <sup>they</sup> give such bail. *or be legally discharged*

Dated *February 2<sup>d</sup>* 188 *4* *John J. Hoffman* Police Justice.

I have admitted the above-named *defendants*

to bail to answer by the undertaking hereto annexed.  
Dated *February 2* 188 *4* *John J. Hoffman* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0264

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Grasentzia Flor

Gold Garden H. D.

Joseph Nesselhoff

Mary Nesselhoff

Dated February 2<sup>d</sup> 1884

Johnson Magistrate.

Ernest Groden Officer.

10<sup>00</sup> Precinct.

Witnesses officer Groden

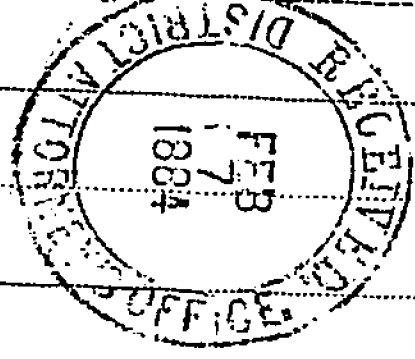
of the 10<sup>00</sup> Precinct

No. Street,

No. Street,

No. Street,

\$ 1000<sup>00</sup> to answer General Sessions.



1087  
3<sup>d</sup> Dis  
Offence keeping and carrying a gun of prohibited

0265

Police Department of the City of New York,

Precinct No. 10

New York, Feb 27 188 7

Captain Allaire

Sir, I visited the saloon  
at 50. Chrystie Street and found a man  
named W. E. Gallenberg in charge, who says  
he bought the place from Joseph and Mary  
Kesselhof for the sum of Four hundred  
and sixty dollars on February 20<sup>th</sup>, 1884,  
and also produced a bill of sale, he informed  
me that the Kesselhofs had removed their  
furniture and are at present living at 128  
West Street.

Respectfully,  
James Munn  
Patrolman 10<sup>th</sup> Prec.



0266

OFFICE OF  
**THEODORE REDSTEIN**  
 Notary Public & Commissioner of Deeds,  
 COMMISSIONER FOR THE STATE OF NEW JERSEY,  
 86 FORSYTH STREET,  
 NEW YORK.

State of New York }  
 City & County of New York } 5 New York.

18

Joseph Messelhauf of said City, having been duly sworn according to law, deposes and says, that he is not the owner of the *Lafayette Saloon* on the premises known as Number 57 Chauncey Street in said City of New York, that he is in no way or manner interested in said Saloon, that he does not hold a Mortgage or Lien of any kind agst. said Place, and that that his wife or any of his or his wife's relatives are not interested in said Saloon.

Sworn to & subscribed upon  
 me this 27 day of January 1884

Joseph Messelhauf

*Theodore Redstein*

*Notary Public*  
*N.Y. Co*

0267

Sec. 322, Penal Code.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

Prescutza Flor. aged 22 years  
of the Castle Garden Street, in said City, being duly sworn says,  
that at the premises known as Number 870 Chrystie Street,  
in the City and County of New York, on the or about 25 day of November 1887, and on divers  
other days and times, between that day and the day of making this complaint

John Russellhoff & Mary Russellhoff  
did unlawfully keep and maintain and yet continue to keep and maintain a house of  
Prostitution and did then, and on the said other days and times, there unlawfully procure  
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come  
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said  
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil  
name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving  
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and  
there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said John & Mary  
and all vile, disorderly and improper persons found upon the premises, occupied by said  
John Russellhoff & Mary Russellhoff  
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 15<sup>th</sup> day }  
of February 1887 }

John Thomas Police-Justice.

Prescutza Flor.

0268

*W*  
Police Court— 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Present in Court*  
*Office of Detention*  
*Julien Messelhoff*  
*Mary Messelhoff*

AFFIDAVIT—Keeping Disorderly House, &c.

Dated Feb 1 1888

*W. W. W.* Justice.

*W. W. W.* Officer.

*W. W. W.* Precinct.

WITNESSES :

*\$1000 bond for Feb 2*  
*Paroled*  
*W. W. W.*



0269

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

40 years of age.

Peter Groden

of the 26<sup>th</sup> Precinct Police Street, being duly sworn, deposes and

says that on the 1<sup>st</sup> day of February 1884

at the City of New York, in the County of New York, Depoant was in

premises No 50 Chrystie Street, which  
premises are kept and maintained by  
John Nesselhoff and Mary Nesselhoff as  
a house of Prostitution,  
that in the presence of said defendant,  
depoant was solicited while in said  
premises by a prostitute in said premises,  
to have sexual connection with her  
in a room in the rear of said premises,  
for which said prostitute demanded  
one dollar Peter Groden

Sworn to before me, this

February 1884

John J. Warner  
Police Justice.

0270

City and County of New York, ss.:

THE PEOPLE,

vs

Police Court 3<sup>d</sup> District.

On Complaint of

For

Ginsautzka Flor

Keeping a House of Prostitution

John Nesselhoff

demand

After being informed of my rights under the law, I hereby ~~wave~~ demand a trial, by Jury, on this complaint, and ~~my right to make a statement in relation to it~~, and demand a trial at the COURT OF ~~SPECIAL~~ General SESSIONS OF THE PEACE, to be holden in and for the City and County of New York

Dated

February 2 188 4

Joseph Russell

John Nesselhoff

Police Justice.



0271

City and County of New York, ss.:

Police Court. 34 District.

THE PEOPLE,

On Complaint of

VS

For

Isauctia Alor  
Keeping a House of Prostitution

Mary Kesselhoff

demand

After being informed of my rights under the law, I hereby ~~wave~~ demand a trial, by Jury, on this complaint, and my right to make a statement in relation to it, and demand a trial at the COURT OF ~~SPECIAL~~ General SESSIONS OF THE PEACE, to be holden in and for the City and County of New York

Dated

February 2 188 4

John Korman

Mary Kesselhoff  
Police Justice.



0272

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Vesselhaug  
and  
Mary Vesselhaug

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

Joseph Vesselhaug and Mary Vesselhaug

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said Joseph Vesselhaug and Mary Vesselhaug

late of the ~~South~~ Ward of the City of New York, in the County of New York aforesaid, on the ~~25th~~ day of ~~November~~ in the year of our Lord one thousand eight hundred and eighty ~~three~~ and on divers other days and times as well before as afterwards, to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Joseph Vesselhaug and

Mary Vesselhaug

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, 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

Joseph Vesselhaug and Mary Vesselhaug

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Joseph Vesselhaug and

Mary Vesselhaug

late of the ~~South~~ Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the ~~25th~~ day of ~~November~~ in the year of our Lord one thousand eight hundred and eighty ~~three~~ and on divers other days and times between the said

0273

day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in ~~their~~ said house, for ~~their~~ own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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.

THIRD COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said Joseph Nesselhauf and Mary Nesselhauf

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Joseph Nesselhauf and Mary Nesselhauf

late of the Tenth Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the 25th day of November in the year of our Lord one thousand eight hundred and eightyfour and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in ~~their~~ said house and place of public resort, for ~~their~~ own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in ~~their~~ said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

PETER B. OLNEY,  
JOHN McKEON,  
District Attorney.

0274

BOX:

130

FOLDER:

1353

DESCRIPTION:

Norbert, Edward

DATE:

02/29/84



1353



0275

District Attorney's Office.  
City & County of  
New York.

Sir: Edward Mabel  
indicted for burglary  
in 1<sup>st</sup> Degree, desires  
to plead guilty & I  
have advised him to  
and hope you will  
consent to the lowest  
penalty as being  
his first offense.  
Yrs truly  
Morris W. Hart  
Atty for Mabel-

I am engaged in city  
Court & cannot be  
present. yours

0276

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 Norbert

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

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

The said Edward Norbert

late of the ~~Nineteenth~~ Ward of the City of New York, in the County of New York aforesaid, on the 25th day of February in the year of our Lord one thousand eight hundred and eighty-four with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Adam Reislinger there situate, feloniously and burglariously did break into and enter, the said Edward Norbert being then and there assisted by a confederate actually present, to wit: by one Joseph Bergman

whilst there was then and there some human being, to wit, the said Adam Reislinger within the said dwelling house, the said

Edward Norbert then and there intending to commit some crime therein, to wit: the goods chattels and personal property of the said Adam Reislinger

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0277

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said \_\_\_\_\_

Edward Norbert  
of the CRIME OF GRAND LARCENY IN THE First DEGREE, committed as follows:

The said Edward Norbert

late of the Ward, City and County aforesaid, afterwards, to wit: on the said twenty  
fourth day of February in the year of our Lord one thousand eight  
hundred and eighty-four, at the Ward, City and County aforesaid, in the  
night time of said day, with force and arms, the thefts of

the value of three dollars each, ninety  
arrows of the value of one dollar  
each, thirty-four of the value of  
one dollar each, one paypin ring of the  
value of five dollars, one watch box of  
the value of ten dollars, and one  
ornament of the value of ten dollars

of the goods, chattels and personal property of one \_\_\_\_\_

Adam

Reidinger in the dwelling house of the

said Adam Reidinger there situate, then and there being found  
in the dwelling house aforesaid, then and there feloniously did steal, take and carry  
away, against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.



0278

THIRD COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said

Edward Norbert

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Edward Norbert

late of the Ward, City and County aforesaid, afterwards, to wit: on the said twenty  
eight -- day of February in the year of our Lord one thousand eight  
hundred and eighty four, with force and arms, at the Ward, City and County  
aforesaid, one box of the value of  
three dollars, nine boxes  
of the value of one dollar  
each and three spoons of the  
value of one dollar each --

of the goods, chattels and personal property of one Adam  
Reidinger

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before  
feloniously stolen of the said Adam Reidinger

unlawfully and unjustly did feloniously receive and have (the said Edward  
Norbert)

then and there well knowing the said goods, chattels and personal property to have  
been feloniously stolen), against the form of the Statute in such case made and pro-  
vided, and against the peace of the People of the State of New York and their dignity.

PETER B. OLNEY,

**JOHN MCKEON,**

District Attorney.

0279

BOX:

130

FOLDER:

1353

DESCRIPTION:

Norton, George

DATE:

02/20/84



1353

Witness:  
Coramant Smith for  
Officer Back

Counsel,

Filed 20 day of

1884

Pleads

THE PEOPLE

vs.

*Francis  
monson*

Burglary, Second Degree,  
and Receiving Stolen Goods,  
(Sections 497, 500, 528, 580, and 550)

PETER B. OLNEY

JOHN WICKEN

District Attorney

A True Bill.

*OK Henry*

*Chief of Police Foreman*

*I heard Guy today  
14th 6th St. P.*

*FD*

0280



0281

Police Court—5th District.City and County }  
of New York, } ss.:

Bernard Smith Jr  
of North side of 98<sup>th</sup> Street one door west of 8<sup>th</sup> Avenue, aged 20 years,  
occupation Car Conductor being duly sworn  
deposes and says, that the premises North side of 98<sup>th</sup> Street one door west of 8<sup>th</sup> Avenue in the City and County aforesaid, the said being a Dwelling House

and which was occupied by deponent's father Bernard Smith as a dwelling house and in which there was at the time a human being, by name Bernard Smith and Catharine Smith, Peter Smith, Rosanna Smith and deponent—  
were BURGLARIOUSLY entered by means of forcibly raising the front window of the first floor leading into said premises

on the First day of February 1884 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

One overcoat of the value of Eight dollars  
Two coats of the value of Fifteen dollars  
Two vests of the value of Five dollars  
One Hat of the value of Three dollars  
One silver watch with composition chain  
attached of the value of Twenty dollars  
all of the value of Fifty and dollars

\$51—

the property of Bernard Smith deponent's father Peter Smith  
deponent's brother

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by George Norton (name true)

for the reasons following, to wit: That deponent found one of said Coats in the possession of said defendant and that a pawn ticket representing a vest was found in the possession of said defendant—that deponent identifies as property stolen on said date as aforesaid

Bernard Smith Jr

Sworn to before me this 18th day of February 1884 by me J. J. O'Connell, Justice.

0282

Sec. 198-200

511

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

George Norton being duly examined before the under-  
signed, 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. George Norton

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. 114 Charlton St 3 years

Question. What is your business or profession?

Answer. Stone cutter

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 did not commit the Burglary  
I bought the Coat and Vest  
for one dollar and fifty cents  
from a man in Baxter Street  
between Canal and Hester Streets

George <sup>his</sup> Norton  
mark

Taken before me this 18  
day of February 1884.  
Samuel J. Kelly  
Police Justice.

0283

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 George Norton

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten 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 Feb'y 18<sup>th</sup> 1884 Samuel C. Bell Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0284

Police Court 5th District. 1120

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Bernard Smith Jr  
93rd St. vs. 8th Ave

1 George Norton

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Office Burglary

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated Feb 18 188 4

D O Reilly Magistrate.

George F Back Officer.

31st Precinct.

Witnesses George F Back

No. 31st Precinct Street.

Therman Wagner

No. 31st Precinct

No. \_\_\_\_\_ Street,

\$ 100 to 50

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0285

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

George Norton

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

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

The said George Norton

late of the Twelfth Ward of the City of New York, in the County of New York aforesaid, on the Twelfth day of February in the year of our Lord one thousand eight hundred and eighty-four with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of Bernard

Smith the elder

there situate, feloniously and burglariously did break into and enter,

whilst there was then and there some human being, to wit, one Bernard Smith the younger within the said dwelling house, the said

George Norton

then and there intending to commit some crime therein, to wit: the goods chattels and personal property of the said Bernard Smith

the elder in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0286

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said —

George Norton  
of the CRIME OF GRAND LARCENY IN THE First DEGREE, committed as follows:

The said George Norton

late of the Ward, City and County aforesaid, afterwards, to wit: on the said —  
First day of February in the year of our Lord one thousand eight  
hundred and eighty-four, at the Ward, City and County aforesaid, in the

night time of said day, with force and arms, one overcoat

of the value of eight dollars, two  
coats of the value of eight dollars each,  
two vests of the value of three  
dollars each, one hat of the value  
of three dollars, one watch of the  
value of twenty dollars, and one  
chain of the value of one dollar

of the goods, chattels and personal property of one Bernard  
Smith the elder in the dwelling house of Bernard  
Bernard Smith the elder, there situate, then and there being found  
in the dwelling house aforesaid, then and there feloniously did steal, take and carry  
away, against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.



0287

THIRD COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said

George Norton  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said George Norton

late of the Ward, City and County aforesaid, afterwards, to wit: on the said  
twelfth day of February in the year of our Lord one thousand eight  
hundred and eighty-four, with force and arms, at the Ward, City and County  
aforesaid, one coat of the value of

eight dollars, and one  
vest of the value of  
three dollars

of the goods, chattels and personal property of Bernard  
Smith the elder

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before  
feloniously stolen of the said Bernard Smith

the elder

unlawfully and unjustly did feloniously receive and have (the said George  
Norton)

then and there well knowing the said goods, chattels and personal property to have  
been feloniously stolen), against the form of the Statute in such case made and pro-  
vided, and against the peace of the People of the State of New York and their dignity.

PETER B. OLNEY,

~~JOHN McKEON,~~

District Attorney.