

0 14 1

BOX:

218

FOLDER:

2149

DESCRIPTION:

Brown, William

DATE:

05/14/86



2149

0142

BOX:

218

FOLDER:

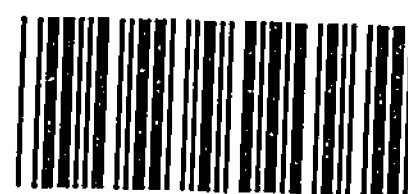
2149

DESCRIPTION:

Haas, Henry

DATE:

05/14/86



2149



0143

BOX:

218

FOLDER:

2149

DESCRIPTION:

Hamburger, Isaac

DATE:

05/14/86



2149

0 144

BOX:

218

FOLDER:

2149

DESCRIPTION:

Dottler, Morris

DATE:

05/14/86



2149

POOR QUALITY  
ORIGINAL

0145

Witnesses:

Samuel Karpman  
Norman Levy.

Counsel,

Filed

1886

Pleaded

Charges (17)

THE PEOPLE

vs.

William Brown

Henry Haas

Isaac Hamberger

Morris Dettler

RANDOLPH B. MARTINE,

Clay Lott, District Attorney.

Ch. 1 & 2.

Speed of Convicted of B. 3 day

A True Bill.

Each. S.P. 18 months,

William Van Kannelman

Foreman

Harrisburg 21st

May 21st

Ch. 30th

Speed of Conv. 4 day

Ch. 1. Convicted of Burglary 3 day

House of Refuge

Burglary in the Third Degree.  
[Sections 498, 506, 528 and 532.]



**POOR QUALITY  
ORIGINAL**

0 146

The People  
vs.  
William Brown and  
Henry Hass.

Court of General Sessions, Part I.  
Before Judge Cowing.

May 20, 1836.

Jointly indicted with Isaac Hamburger and Morris Dott-  
ler for burglary in the third degree.

Simon Aaronson sworn and examined. I live at 160  
Ridge Street in this city, I manufacturer at 150 Ridge  
Street but I live in 30 Orchard Street. I am a tinsmith by  
trade and locked up my place on the 8th of May at six  
o'clock in the evening, I locked the front street door, on  
the next morning I arrived at the store about half past sev-  
en, I found that the inside door leading to the hall was  
broken. I lost some tins, boilers and pans of the value of  
eighteen dollars which belonged to me. I did not see who  
broke in this time, the very day before these same boys  
were in my place looking around for my goods; that was the  
second time they robbed me. The house-keeper found some  
of the goods that were stolen on the 8th of May.

Herman Levy sworn. I saw Henry Hass in the yard  
he had a barrel of tinware and he tried to sell me a dish  
pan for ten cents, it was on a Saturday, I do not remember  
the date. I only saw Hass in the yard, the barre was  
standing near the window and he was about three yards from  
the barrel and he had a dishpan in his hand. I live in  
146 Ridge Street which is half a block from the complain-  
ant's place. It is in the same block where I live, it  
was on a Saturday. What ailment is he suffering under,  
He says he is all broke up. what is the matter with him?  
2 Interpreter. I have seven kinds of illnesses.

**POOR QUALITY  
ORIGINAL**

0147

Gustav W. Becker sworn. I live in 164 Ridge Street in this city, I am janitor of the house 160 Ridge Street, the place where the burglary is said to have been committed. I went into the cellar 158 Ridge Street and found three dozen of small pans and took them upstairs, I had to go down town, I handed them over to my wife, I told her to hand them over to the officer, I had no time to stay home, I had to go down town the same morning and the officer came, I was not present when he arrested these boys. I found the three dozen small pans in the cellar in one of the wood houses; the officer took them back to the complainant and he identified them.

David Hartman sworn. I don't know anything about the alleged burglary at 160 Ridge Street, I am subpoenaed in another case.

Patrick Brennan sworn. I am an officer of the 11th precinct and helped to arrest these prisoners they were arrested on the 11th, I arrested Hass under the bed in the house he lives in; we asked his mother if he was in and she said no, he was not in, we searched the house and found him under the bed, his mother left the house, Officer McCormack arrested Brown in Ridge Street, I was not there at the arrest, When Brown, Hass, Hamburger and Dottler were arrested Hass told me that Brownie was into it and Hamburger told me Brownie was into it as well as they were and that Dottler was into it also; the four of them at the Station House charged each other with it, we brought them to Essex Market and they admitted there before the Judge that they were guilty except Dottler who

**POOR QUALITY  
ORIGINAL**

0148

pleaded not guilty.

Cross Examined. Hass lives at 331 East Houston Street, I do not know that his mother is janitress of the building. I pulled Hass from under the bed by the legs and when he got out he said, Brownie gave me away, he was into it as well as me, he appeared to be very much frightened, he did not explain to me the manner in which he became possessed of this property, he said that Brown requested him to watch it for him in the alleyway of 146, he said Brown brought him there and that he staid there while the others were selling it, he didnot say to me that he had any hand in bring ing it there, he did not mention Brown's name, he said he was standing watching it there while others were selling it.

William J. McCormack sworn. I am an officer of the 11th precinct, I helped to arrest Brown, Hass and Hamburger; the report of the burglary was made on Sunday morning the 9th and I went out to investigate it, I got a description of three boys that tried to dispose of the goods in the alley at 146 Ridge Street, the following Tuesday morning, the 11th I arrested Brown in Houston St. and brought him to the Station House and got Officer Brennan to go with me to Hass's house and we found Hass and Hamburger under the same bed. Hass said, Brown gave him away and he was into it as well as we wasn't he, Hamburger? And Hamburger says, yes, there was four of us into it, I took them to the Station House and they all admitted their guilt.

Cross Examined. Hamburger admitted that he forced an entrance through the cellar of the tinware shop. The



**POOR QUALITY  
ORIGINAL**

0149

mother was present when I first asked her if her boy was in and she said no, I went in and she went out; we both went into the bed-room and caught the two under the bed; they did not state why they were hiding under the bed.

The Case for the Defence.

William Brown sworn and examined. I am one of the defendants on trial. I will tell the Jury how I came in possession of this property. Two young fellows came up to me in 158<sup>th</sup> Ridge Street with a barrel with straw covered over the top and said to me and Isaac Hamburger if we would roll this up to the alley they would give us a few cents, I do not know the names of the boys, I just came from work; we told Henry Hass and Dottler that they should mind the stuff until we went up and saw if the young fellows came; so Henry Hass came and said to Dottler that his father wanted him. So I said to Henry Hass, mind this stuff until I see where those young fellows are who told me to mind it and I will give you something; he said all right. As soon as I walked out I don't know anything about him, he came running out and said, the house-keeper is hallooing I should take this stuff out. I said, wait until these young fellows come. So the young fellows came and asked me where was the stuff, I said, inside, I went in with them and the stuff was not there. They said they would lick us if we did not get the stuff. Henry Hass went and looked in the liquor shop for the stuff. They said they did not have it; he went up to the house-keeper and the house-keeper said, I do not know where it is. He went down in the store again and asked the house-keeper and says, you have got the stuff for fun. He said, we have

**POOR QUALITY  
ORIGINAL**

0 150

got the stuff in here and the house-keeper said we should not give it to anyone. The officer says that you made a confession, that you took this stuff, did you make any such admission as that? No sir, I said down there I did not know what guilty was, I never was arrested for anything, I was frightened and nervous, I had nothing to do with this burglary and did not know that a burglary had been committed and did not know that anybody had stolen the stuff. The detective got hold of me and says, where is Isaac Hamburger? I said I do not know, I just come down the street, I saw him by a soda water stand and he walked around the corner. He says, you are one of them that broke in that place. I said, if anyone can prove it they can stand up and say if they saw me break in any place. I did not know what the word guilty meant when I was in the Police Court.

Cross Examined. The young fellows used to tell me guilty means you didn't do it, I am eighteen years old, I said before the Police Magistrate, I am guilty, I did not know what it was.

Bernard Hamburger sworn. I am in the produce business at 274 Greenwich Street and know the defendant Hass, he worked for me a year and a half, I heard of the morning of the burglary, Hass was working for me up to twelve o'clock in the morning and was always faithful to his duty, I had occasion to trust him with fifteen and twenty dollars and always found him honest. I am the father of Isaac Hamburger.

Henry Hass sworn and examined. I am one of the defendants charged with this burglary, I came home from work and Brown told me to mind this stuff, I said I

0151

22

6

The Jury rendered a verdict of guilty of burglary in the third degree and acquitted Butler.



POOR QUALITY  
ORIGINAL

0152

Testimony in the case  
of  
Mrs. Brown and  
Henry Mass  
filed May  
1886.

POOR QUALITY  
ORIGINAL

0153

Want of Gent Session

The People ex rel

Simon V. Aronoff

against

Isaac Hamburger

implicated re

CASE NO. 23369

DATE OF ARREST

CHARGE

Burglary

AGE OF CHILD

14 years

RELIGION

Hebrew.

FATHER

Bernard

step MOTHER Harrietta -

RESIDENCE

732 E. 9<sup>th</sup> St

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23<sup>d</sup> STREET.

New York, May 13 1886

OFFICER:

Brown & McCormick

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy assists  
his father, who has a vegetable stand in Washington Market  
there is no record that he has been arrested before  
his associations are very bad. parents respectable

All which is respectfully submitted,

Wm. J. Terry  
President

To

POOR QUALITY  
ORIGINAL

0154

*County of New York*  
*Assessment*

*De Long*

*James H. H. H. H.*  
*in pld ref*

*James H. H. H. H.*  
PENAL CODE, §

Report of The New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

*President, &c.,*

100 East 23d Street,

NEW YORK CITY.



POOR QUALITY  
ORIGINAL

0155

Out of Jail Passes

The People for and  
Simon Anderson

Morris Dattle

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23<sup>d</sup> STREET.

New York, May 13 1886

CASE NO. 23369

OFFICER.

DATE OF ARREST

CHARGE

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT *he was*  
*born in this city, & can't read or write, & peddles*  
*in the day time, there is no record that he*  
*has been arrested before, his associations are very*  
*bad, parents respectable*

All which is respectfully submitted,

Wm. T. Jones  
President

To

POOR QUALITY  
ORIGINAL

0156

*Count of the*  
*Decisions*

<i>The Boy</i>	<i>Light</i>
<i>Miss Datto</i>	<i>Light</i>

PENAL CODE, S

Report of The New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,  
100 East 23d Street,  
NEW YORK CITY.

**POOR QUALITY  
ORIGINAL**

0-157

The People

vs.

Isaac Hamburger and  
Morris Dottler.

Court of General Sessions, Part I.

Before Judge Cowing.

Jointly indicted with William Brown and Henry Hass for  
burglary in the third degree.

Simon Aaronson sworn. I am a tinsmith and my  
premises are 160 Ridge Street; on the night of the after-  
noon of the 8th of May I closed up at six o'clock which  
was Friday and Sunday morning I came into my place and saw  
that the inside door from the hall was broke and I was  
short tin pans, boilers and frying pans amounting in value  
to about eighteen dollars, which was my property and was  
in the premises when I locked them up.

Patrick Brennan sworn. I am an officer of the  
11th precinct and arrested Brown and the other prisoners;  
the burglary was committed on the 8th and we were informed  
of it on the 9th and on the 11th officer McCormack and  
myself went up to the house of Hass and found Hass and  
Hamburger under the bed. Hass first said, Brownie gave  
us away and he is into it. Hamburger says, yes, he gave  
us away and he is into it as well as us. We took them  
down to the Station House and Brownie came out and iden-  
tified them and said they were the parties as they said,  
Brownie, you were in it just as well as us. Dottler was  
not present at that time, I arrested Dottler in front of  
his own house and brought him to the Station House and to  
the Court and he denied it also there; the other three  
admitted their guilt. The clerk asked the others if they  
were guilty and they all said yes with the exception of  
Dottler. I arrested Dottler and that is all the evidence



**POOR QUALITY  
ORIGINAL**

0 158

there is against Dottler.

Counsel: I move your Honor, to direct an acquittal as to Dottler.

The Court: As the case stands there is nothing against Dottler.

Isaac Hamburger sworn and examined in his own behalf: I live 732 Ninth Street with my father and mother my father does business in Washington Market and I help him summer times and go to school in winter. I have never been arrested for any offence before this, I did not break into the complainant's place and steal tin. I saw this tin in a barrel covered over with straw. I was standing in Riggs Street by my uncle's store and a fellow named Brown called me over and said, Ike, help me roll this barrel up the alleyway, I got five cents off two fellows and I will give you half if you come along, I helped to roll it over and Brown told me to mind it for him, Haas came along and said to Dottler that his father wanted him and he ran home the house-keeper came down and said, if you don't get that stuff out of there she would get the arrested, it got stolen, Haas got frightened and he ran away; so when we came back the tinware was not there any more, we went to look for the fellows and we found them, then they said if we did not get a barrel of tinware they would whip us, so when they heard people say that they were guilty and were going to get arrested they ran away. I was before the Police Court and I heard the other two boys say they were guilty and I said guilty too, I did not know what it meant because I never was in court before. I thought that guilty meant we did not do it. I came home from work with Haas, Haas said to me, come up to my house until

**POOR QUALITY  
ORIGINAL**

0 159

I wash myself and I will take a walk around to your house. His mother looked out of the window and said, there is two detectives down stairs, hurry up and get under the bed and hide yourself. She said that to her son; he told me to come under with him, I didnot know what it was for and so I went under the bed with him, one of the detectives got hold of his leg and pulled him out and the moment he asked me I came right out. I did not say to the officer, Brownie gave us away but Hass said that, I heard him, I guess the officer is mistaken when he said I saidit.

Cross Examined. I never heard the word guilty before anddidnot know what it meant, I am fourteen years old and went to school when I was five yearsold and left when I was two lve anda half. I was charged once with stealing thirty-five dollars worth of stockings but was not in any court.

Andrew Wieland sworn. I do business next door to the father of Hamburger, he works for his father in summer I always believed him to be an honest boy.

Max Merkentine sworn. I am in the wholesale produce business 269 Grenwich Street, I know Hamburger since he was born and always knew him to be an honest, good boy, I never knew him doing wrt ng.

Bernard Wertheimer sworn. I work in the produce business in Washington M arket andknow Hamburger since he was born, his character forhonesty is very good andhis parents are respectable.

**POOR QUALITY  
ORIGINAL**

0160

William J. McCormack sworn and examined by Mr Bedford for the People. I am an officer of the 11th precinct, the reputation of Hamburger is that he is a petty thief. I have never arrested him before, I have seen him two or three times. When we arrested Hass and Hamburger from under the bed Hass remarked to Hamburger, Ike, Brown had given us away; now he was into the thick of this as well as we, was he not, Ike? Ike says, yes, he was into this case as well as we were.

The Jury rendered a verdict of guilty against  
Hamburger and acquitted Dottler.



POOR QUALITY  
ORIGINAL

0 16 1

*Testimony in the case  
of Isaac Hamburger  
filed May 1886*

POOR QUALITY  
ORIGINAL

0162

Police Court— District.

City and County }  
of New York, } ss.:

of No. 160 Ridge Street, aged 23 years,  
occupation Insurith being duly sworn

deposes and says, that the premises No 160 Ridge Street,  
in the City and County aforesaid, the said being a four story brick  
dwelling

and which was occupied by deponent as a in the basement as a shop  
and in which there was at the time a human being, by name

Jeremiah Farenbaum  
were BURGLARIOUSLY entered by means of forcibly breaking  
the panel of a door leading to said  
basement from the hallway

on the 8th day of May 1886 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

a quantity of  
tin ware and other utensils of the  
value of eighteen dollars (\$18)

the property of Deponent

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

William Brown, Henry Haas, Isaac  
Hamburger and Morris Dötter (now here)

for the reasons following, to wit: Deponent locked and fastened

✓ the said premises at 6 o'clock P. M. on  
said night. On Monday following deponent  
learned that the said premises had been  
broken open and the said property  
taken. Deponent is informed by Herman  
Levy that Henry Haas offered to sell the  
said property to him, and deponent is  
informed by Policeman Patrick Brennan

POOR QUALITY  
ORIGINAL

0163

and Policeman William J. Mc Cormick  
that the defendants admitted to him that  
they had committed the said offense.  
Deponent is informed by Policeman  
Mc Cormick that acting on information  
obtained from the defendants he  
went to the premises 1446 Ridge Street  
and there recovered a portion of the  
said stolen property.

Simon Larsson

Sworn to before me this  
12th day of May 1908

J. P. Kueffer  
Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
vs.  
Burglary  
Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witness:

Committed in default of \$ Bail.

Bailed by

No. Street.



POOR QUALITY  
ORIGINAL

0164

CITY AND COUNTY }  
OF NEW YORK, } ss.

Herman Levy

aged 42 years, occupation \_\_\_\_\_ of No.

146 Ridge

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Simon Aaronson  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

May

188

Herman Levy  
man

Police Justice

CITY AND COUNTY }  
OF NEW YORK, } ss.

Patrick Brennan

aged 40 years, occupation Police of No.

Eleventh Street

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Simon Aaronson  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

May

188

Patrick Brennan

Police Justice

POOR QUALITY  
ORIGINAL

0165

CITY AND COUNTY }  
OF NEW YORK, } ss.

William J. Mc Cormick  
aged 24 years, occupation Police of No.

Eleventh Street Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Amos Carson  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 17  
day of May 1886 & William J. McCormick

[Signature]  
Police Justice.

POOR QUALITY  
ORIGINAL

0166

Sec. 198-200.

CITY AND COUNTY {  
OF NEW YORK, } ss

7 District Police Court.

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

Question. What is your name?

Answer.

William Brown

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

U.S. City

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

Answer.

157 Ridge St - 10 years

Question. What is your business or profession?

Answer.

Dealer

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 guilty.

William Brown

Taken before me this

day of

1886

Police Justice.



**POOR QUALITY  
ORIGINAL**

0 167

Sec. 198-200.

CITY AND COUNTY { ss  
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Henry Haas

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

U.S. N.Y.

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

Answer.

331 East 4th St 10 years

Question. What is your business or profession?

Answer.

Labour

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

Answer.

I am guilty

Henry Haas

Taken before me this

day of March 1886

Police Justice.

POOR QUALITY  
ORIGINAL

0 158

Sec. 198-200.

CITY AND COUNTY { ss  
OF NEW YORK,

9 District Police Court.

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

Question. What is your name?

Answer. Morris Dottler

Question. How old are you?

Answer. 14 years

Question. Where were you born?

Answer. U.S. N. Y. City

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

Answer. 158 Ridge St. 6 years

Question. What is your business or profession?

Answer. pedlar

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

Morris Dottler  
7  
Wash

Taken before me this

day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0 169

Sec. 198-200.

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss

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

Question. What is your name?

Answer.

Isaac Hamburger

Question. How old are you?

Answer.

14 years

Question. Where were you born?

Answer.

U. S. - N. Y. city

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

Answer.

732 Ninth St - 2 months

Question. What is your business or profession?

Answer.

merchandise peddler

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 guilty

Isaac Hamburger

Taken before me this

day of

1885

Police Justice.



POOR QUALITY  
ORIGINAL

0170

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Amos Danvers*  
*166 Bridge St.*  
*William Brown*  
*Henry Heas*  
*Maac Hamburg*  
*Almon Bollen*  
Offence *Burglary*

Dated

*May 12*

1886

*Wm. B. Duffy*

Magistrate

*William S. Mc Cormick*

Officer

*W. M. Becker*

Precinct

Witnesses

*Herman Levy*

No. *146* *Bridge St.*

Street

*William Brown and*

No. *110* *St. Patrick St.*

Street

*David Hartman*

No. *155* *Bridge St.*

Street

*James Bollen*

*James Bollen*

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

*Defendants*

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

Dated *May 12* 1886

*Wm. B. Duffy*  
Police Justice.

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

Dated \_\_\_\_\_ 1886

Police Justice.

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

Dated \_\_\_\_\_ 1886

Police Justice.

POOR QUALITY  
ORIGINAL

0171

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Brown, Henry  
Doe, Isaac Handmeyer  
and Morris Rotten

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

William Brown, Henry Doe, Isaac  
Handmeyer and Morris Rotten -

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

The said William, Henry, Isaac and  
Morris, all -

late of the *Eleventh* - Ward of the City of New York, in the County of  
New York, aforesaid, on the *ninth* - day of *May*, in the year of  
our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward,  
City and County aforesaid, a certain building there situate, to wit: the *shop* of one

Simon Aaronson, -

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to  
wit: with intent, the goods, chattels and personal property of the said *Simon*,

in the said *shop*, 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.

POOR QUALITY  
ORIGINAL

0172

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said  
*William Brown, Henry Davis, Isaac*  
*Handmeyer and Morris Diller* —  
of the CRIME OF *Petit* LARCENY, — committed as follows :

The said *William, Henry, Isaac and*  
*Morris, all* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*a quantity of his ware, and several,*  
*of a number to the Grand Jury*  
*of several hundred, and a more*  
*particular description thereof*  
*cannot now be given, of the*  
*value of eight dollars.*

of the goods, chattels and personal property of one *Simon Larsson,*

in the *shop* of the said *Simon,* —

there situate, then and there being found, *in the shop* 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.

*Randolph B. Martin,*  
*District Attorney*



0173

BOX:

218

FOLDER:

2149

DESCRIPTION:

Burgess, Alfred L.

DATE:

05/28/86



2149

0174

BOX:

218

FOLDER:

2149

DESCRIPTION:

Mulholland, Anna

DATE:

05/28/86



2149



POOR QUALITY  
ORIGINAL

0175

Case filed at Worcester  
June 24/87

Witnesses:

Mary Burgess  
St. David P. O'Brien  
Off. Edgar S. Mearns

Central office

The defendant was tried before County Court on the day of Nov. 1886, convicted of assault in the first degree. Subsequently an appeal was taken which resulted in a reversal of the judgment. Thereupon the People appealed and their appeal is now pending. At no time since the finding of the indictment has the defendant been at liberty. He is now in the Tombs. He has a wife and two very young children, who unless they have sufficient means will probably become a charge on the County. He expresses great contrition for his crime and promises to live with his wife and support her as he did before this indictment. The wife appeals for leniency in this she is joined by Mr. Geo. Chapman at the Tombs, whose letter is filed herewith. His old employers have written that they will give him employment if he is released. His previous character is good. In view of all these facts I recommended that the defendant be discharged on his own recognizance.

Oct. 11, 1887  
Randolph B. Martine  
Dist. Atty.

Counsel,

Filed S.S. day of May 1886

Pleas

Not guilty

THE PEOPLE

vs.

Alfred S. Burgess

and

Anna M. M. M. M.

H. D. M. M.

RANDOLPH B. MARTINE

Attorney

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE

THE PEOPLE



POOR QUALITY  
ORIGINAL

0176

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

VS.

BEFORE HON.

POLICE JUSTICE,

188

APPEARANCES: { For the People, \_\_\_\_\_  
For the Defence, \_\_\_\_\_  
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Doctor Stevens	7	8	11	

*M. J. Cheney*  
Official Stenographer.

POOR QUALITY  
ORIGINAL

0177

New York May 25<sup>th</sup> 1886  
Second District Police Court  
Hon. J. H. Duffy - Presiding -  
Mary C. Burgess } Assaues.  
Alfred L. Burgess } Accusers.

Mary C. Burgess being duly  
sworn, deposes and says, I am  
27 years of age and live at  
No 416 West 45<sup>th</sup> St.

Ques

You are the  
complainant in this action?

Ans

Yes Sir.

Ques

And the Defendant is your  
husband?

Ans

Yes Sir.

Ques

How long have you been  
married?

Ans

Three (3) years.

Ques

How many children have you?

Ans

Two (2)

Ques

You have lived with your  
husband since your marriage?

Ans

Yes Sir.

Ques

I presume that he has  
supported you?

1



POOR QUALITY  
ORIGINAL

0178

2

Ans  
Ques

Yes Sir.

How old is your  
youngest child?

Ans

Three weeks old last  
Friday.

Ques

Do you remember  
on what day you were con-  
fined?

Ans  
Ques  
Ans  
Ques

Yes Sir.

When was it?  
The 30<sup>th</sup> of April last.

How  
long were you actually con-  
fined to your bed?

Ans  
Ques

One week.  
What Physician, if any,  
attended you during your  
confinement?

Ans

Dr. Stevens; no  
other Physician attended me,  
my sister Ann Muckelbauer  
assisted him.

Ques

Do you know  
what your husband's business  
is?

Ans  
Ques

Yes Sir, Steamfitter.  
Has he been working at  
that trade since your marriage?

Ans  
Ques  
Ans

Yes Sir.  
During your confinement?  
Yes Sir.

Q



3

Ques Do you know by whom  
he has been employed?  
Ans Yes Sir. B. Her  
and Smith. What was your  
business before marriage?  
Ans Gentleman's Hair  
trimmer.  
Ques You never acted as  
nurse?  
Ans No Sir.  
Ques Never nursed on sick people  
Ans No Sir.  
Ques Have you any knowledge  
of Drugs and Medicines?  
Ans No Sir.  
Ques If a liquid should be  
produced before you now,  
in a glass without any  
one telling you what it was  
and yet it was poison,  
would you know it?  
Ans No Sir.  
Ques You make a complaint  
against your husband and  
sister of a conspiracy to  
poison you.  
Ans Yes Sir.  
Ques Mrs Burgess, can you swear  
of your own knowledge, on  
oath, that poison was ever  
administered to you by anyone

H

Ans  
Ques

No Sir.  
Was the Doctor attending  
you on the 7<sup>th</sup> and 9<sup>th</sup> of  
May?

Ans

He was on the 7<sup>th</sup>,  
but not on the 9<sup>th</sup>.

Ques

Is he still  
treating you?

Ans

No Sir, I am  
not under the care of any  
Physician.

Ques

How long since  
Dr Stevens ceased his attend-  
-ance on you?

Ans

Two weeks  
tomorrow.

Ques

Have you a sample  
of what was administered to  
you on the 7<sup>th</sup> and 9<sup>th</sup> of May  
as stated in your Affidavit?

Ans

Ques

No Sir.  
You had no analysis of any  
substance or liquid made  
by any Physician or Chemist,  
claiming that similar substance  
or liquid was administered  
to you on either or both of  
those days?

Ans

Ques

No Sir.  
You made your complaint  
before Judge Melde?

H



Ques Yes Sir. Did you  
express a desire to withdraw  
this complaint?

Ans Yes. Yes Sir.  
Do that your feeling now

Ques Yes. Yes Sir.  
You have no desire to  
press this complaint further?

Ans Yes. No Sir.  
And you would withdraw  
it, if the Court would  
permit?

Ans Yes. Yes Sir, if he promises  
to do what is right.

Ques Has not  
your husband treated you  
kindly since your marriage?

Ans Yes. Yes Sir.  
Mrs. Briggs of your own  
knowledge, aside from the 2  
letters that are here attached  
to your complaint, you can-  
not swear that your  
husband or listen, entered  
into a conspiracy to poison  
you?

Ans Yes. No Sir.

Ques By the Court.

What caused



(C)

Ques You to make this com-  
plainer? These letters.

Ans Did you ever notice  
any intimacy between your  
sister and husband?

Ans No Sir, the Post  
man left the letters at the  
house, I thought my  
husband had not a right  
to write to ~~my~~ my sister.

Ques Will you swear that these  
letters were written by your  
husband - or are they in  
his hand writing?

Ans No answer  
This woman goes to the House  
of Detention - and the Officer  
will procure her sister -  
and the Defendant is  
committed without Bail

Sworn to before me }  
This 25<sup>th</sup> day of May 1886 }

Police Justice

W. J. P. J.

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Dr David V. Stevens being  
duly sworn deposes and  
says, I am 30 years of age  
and reside at 761 West 43  
St. I was called to attend  
this lady on the 28<sup>th</sup> day of  
April 1886, in a case of  
Confinement; the child was  
born in the morning about  
5 o'clock. The next day I came  
and she was doing very well,  
and things went on that way  
for two or three days. When  
I called again she told  
me she had been vomiting  
and was unable to retain  
food on her stomach. I  
gave her something to stop  
the vomiting, and it stopped.  
I heard no more about it.  
I was to have called on the  
9<sup>th</sup> but did not get there. On  
the 10<sup>th</sup> I went there, and she  
(Mrs Burgess) told me that she  
had been sick again; I gave  
her something to stop the vomiting.  
Two or three days more I dis-  
-missed the case, - that is  
about all I know in con-  
-nection with the case.

H



# Cross Examination

Ques How long have you been practicing?

Ans Eight years.

Ques You have been called frequently in confinement cases?

Ans Quite frequently.

Ques When were you first called to attend Mrs. Burgess?

Ans April 30<sup>th</sup> at 2 o'clock in the morning.

Ques When did you cease your attendance?

Ans I think I attended her on the 12<sup>th</sup> or 10<sup>th</sup>.

Ques Was it on the 10<sup>th</sup> or 12<sup>th</sup> that you ceased your attendance?

Ans Near the 12<sup>th</sup> the 10<sup>th</sup> about.

Ques You attended her after the 9<sup>th</sup> day of May?

Ans Yes Sir I think 2 or 3 days.

Ques You were there on the 4<sup>th</sup> day of May?

Ans Yes Sir.

Ques She told you that she was not as well as the day before, and that she



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Ques Had vomited?   
 Ans Yes Sir.   
 Ques Did you discover any   
 evidence of Poison?   
 Ans I did   
 not, because nothing of that   
 kind suggested itself to me,   
 and the surroundings gave   
 me no reason to think that,   
 that was going on.   
 Ques By that   
 you mean that Poison   
 was not given?   
 Ans I mean   
 that there was nothing to   
 indicate that there was   
 Poison, Mrs Burgess was   
 treated well, and all kind-   
 ness was shown her, so   
 far as I could see.   
 Ques Did   
 you attend her, on the   
 9<sup>th</sup> of May?   
 Ans I did not.   
 Ques You did however, attend   
 her on the 10<sup>th</sup> of May?   
 Ans Yes Sir.   
 Ques There were no indications   
 of any Poison in her   
 system?   
 Ans She said she   
 was sick to her stomach

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and was unable to retain food - I had no suspicion, there was none in my mind; the vomiting might occur from natural causes. I gave her Medicine to stop the vomiting

Ques

In cases of Confinement, natural causes would produce vomiting?

Ans

Yes Sir, There are

Ques

Cases:

From your observation did her care and attendance seem to be good?

Ans

Yes Sir, so far as I could see.

Ques

You are a graduate of where?

Ans

The New York Eclectic Medical College. I have been the Physician of Mrs. Briggs, I saw her 3 times before I attended in the Confinement. I was treating a child.

Ques

Did you prescribe for her?

Ans

I prescribed her medicine during her Confinement - I prepared



POOR QUALITY  
ORIGINAL

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(11)

her Homoeopathic medicine  
in a glass in her  
presence and gave it, in  
liquid form, tasteless and  
colorless

Sworn before me }  
this 15<sup>th</sup> day of May 1886 }  
J. G. [Signature]  
Police Justice

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POOR QUALITY  
ORIGINAL

0188

District Police Court.

*Mary C. Thompson*  
vs.  
*Wm. C. Thompson*

STENOGRAPHER'S TRANSCRIPT.

*May 25* 188*6*

BEFORE ME.

*O. G. Duffy*

Police Justice

*M. J. Conway*

Official Stenographer

POOR QUALITY  
ORIGINAL

0189

Tomb's Cove 5<sup>th</sup>/87  
Hon. Randolph B. Martine  
Dear & Honored Sir

I write at the  
request and in behalf  
of Mr Alfred Burgess.  
I will confess that  
at first I felt such  
a horror of the crime  
charged against him  
that I made little  
attempt to converse  
with him. The thought  
that he could have  
contemplated it was  
enough. But, if  
I now understand  
the case right, the



POOR QUALITY  
ORIGINAL

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only witness to prove  
that he ever really  
attempted it is herself  
the chief criminal,  
and has left the coun-  
try, probably never to  
return. His reconciliation  
with his wife seems  
to be complete. She  
is laboring with diffi-  
culty, to support her-  
self and child, and  
is very anxious for  
his release. And  
Burgess himself seems  
deeply penitent for  
his infatuation with  
her sister, which seemed  
to be the cause of  
all the trouble.

If the case is now  
withdrawn his old  
employer is ready  
to receive him.

I would, therefore,  
commend it to your  
respectful  
consideration, whether  
justice and mercy  
may not both be  
now satisfied, if  
you spare him longer  
punishment for he  
has already suffered  
much) and grant him  
a speedy opportunity  
to return to his struggling  
wife, and make repara-  
tion for the past?

Although I have



POOR QUALITY  
ORIGINAL

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not covered with  
Rev. Mr. Heath on this  
point I am assured  
that he believes with  
me that Burgess will  
henceforth live a  
Christian life, and  
that he would rejoice  
in his release.

Yours Most Respect

Ldney B. Law  
Missy Chablain  
Tomb

N.Y.

Burgess  
03  
The People

POOR QUALITY  
ORIGINAL

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Department of Public Charities and Correction.

CHARLES E. SIMMONS, Pres't.,

THOMAS S. BRENNAN,

HENRY H. PORTER, Commissioners.

Office of City Prison, Corner of Franklin and Center Streets,

THOMAS P. WALSH, Warden.

New York, Oct 8<sup>th</sup> 1887

Wm. Vernon K. Davis

Wm<sup>d</sup> Sir

I have just rec'd a letter from Mr D. E. Kimball saying that you had expressed a desire that I should give you the result of my investigation as to the character of Alfred Burfess previous to his crime.

I am happy to do this; for, although I regarded him, at first, with mingled feelings of horror and contempt; that he should have even entertained the thought of such a crime, I have since been convinced that the ends of justice have been reached in his case, and that both mercy and justice will now rejoice in his restoration

POOR QUALITY  
ORIGINAL

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to his family. His infatuation with the wicked woman who maligned his wife, and exercised such a malign influence on himself, is now thoroughly cured. His repentance for his own sin is sincere and deep. And his reconciliation with his injured and suffering wife is complete. And I am fully assured that they both earnestly long for each other, and that their mutual need is <sup>very</sup> great. And the lesson now so bitterly taught, is thoroughly learned. And I am confident that in his future life he will retrieve the reputation he has lost.

As to that reputation I visited his former employer and S. School Supt., Mr. A. Smith and was more than satisfied with his report.



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ORIGINAL

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Department of Public Charities and Correction.

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Office of City Prison, Corner of Franklin and Center Streets,

THOMAS P. WALSH, Warden.

New York,

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He voluntarily told me that Mr Burgess had entered his service as a boy, and had shown such fidelity and capacity that he had rapidly risen in the esteem and confidence of the Co., and of all the men in the Shop. And he also added that if it had been said that one man whom they knew had committed such a crime, Burgess would have been the last man to be suspected.

He also expressed his entire willingness to receive him back to his employment, unless the men in the Shop, which is a Union Shop, should object.

POOR QUALITY  
ORIGINAL

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And even in that case he is  
able to find him employment  
elsewhere.

Hoping that it may  
be in your power speedily  
to exercise that mercy which  
is "twice blessed," and that others  
may rejoice with you I am  
Most Respectfully Yours

Lidney G. Law  
Miss Chapman  
Jones

**POOR QUALITY  
ORIGINAL**

0196

BAKER, SMITH & CO.,  
LOW PRESSURE STEAM WARMING & VENTILATING APPARATUS,

FOR PRIVATE DWELLINGS, PUBLIC BUILDINGS, Etc.

CAR WARMERS, OFFICE WARMERS, PUMPING APPARATUS, ETC.

COR. SOUTH 5TH AVE. & HOUSTON ST.,

81 & 83 JACKSON ST., CHICAGO, ILL.

TELEPHONE CALL,  
"SPRING 617"

J. J. SMITH.  
~~C. H. SMITH.~~  
C. H. SMITH.

New York, Sept 30<sup>th</sup> 1887.

Mrs. N. L. Burgess.  
360 West 50<sup>th</sup> Street.

Dear Madam,

So far as the firm of Baker, Smith & Co. are concerned, they would be perfectly willing to receive Mr. Burgess into their service, provided he were in a position to accept employment. You are aware that our shop is known as a "Union Shop" and we are under obligations to conform to the rules of the Steam fitters Union. If Mr. Burgess presents us a Card of membership, there is no doubt but that we could give him employment. While he was in our service, he was faithful to our interests, industrious, and gave us satisfaction, and was very popular with his fellow workmen.

Very respectfully

Yours &c

Baker Smith & Co.



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ORIGINAL

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Grand Jury Room.

PEOPLE

vs.

A. L. Burgess

Asst.

Mr. Davis has  
the Exhibits in  
this case

Dec 24/86.

UMD

POOR QUALITY  
ORIGINAL

0198

SUPREME COURT, FIRST DEPARTMENT.

MARCH TERM, 1887.

CHARLES H. VAN BRUNT, P. J.

JOHN R. BRADY,

CHAS DANIELS, J. J.

\*\*\*\*\*

THE PEOPLE &c.

against

ALFRED L. BURGESS

\*\*\*\*\*

Appeal from judgment of the Court of General Sessions.

A. Snyder for Ap.

Mackenzie Sample for Resp.

VAN BRUNT, P. J.

The defendant was indicted for having committed the crime of assault in the first degree. The indictment stated that the defendant together with one Anna Mulholland did wilfully and feloniously make an assault upon one Mary E. Burgess and did then and there wilfully and feloniously administer and cause to be administered to and taken by her the said Mary E. Burgess a certain poison to the Grand Jury unknown with intent to kill the said Mary E. Burgess by means whereof the life of the said Mary E. Bur-

POOR QUALITY  
ORIGINAL

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Burgess was then and there endangered.

The defendant upon the trial of this indictment was convicted, and the question raised upon this appeal is whether the evidence was sufficient to justify such conviction; there being no sufficient evidence to show that by the administration of the poison the life of the said Mary E. Burgess was endangered.

The evidence seems to be entirely sufficient to justify the conclusion that the defendant not only administered but also caused to be administered the poison to his wife with intent to kill, ~~his~~ letter, together with the testimony of Mrs. Burgess shows conclusively the fact of such administration, and that the symptoms which arose after the administration by the defendant and by his sister in law of the liquid testified to were in no respect caused by the medicine which the doctor left to be given to Mrs. Burgess.

The question however upon this indictment is as already stated whether there was evidence going to show that this administration endangered the life of Mrs. Burgess.

Under the Statute as it existed prior to the adoption of the Penal Code, this element of proof was not necessary, and it is difficult to see what end has been subserved by, instead of codifying the law upon this subject as it already existed, the insertion of the necessity of proof of an additional element which makes it almost impossible to convict of assault in the first degree for the administration of poison. It would seem that the administration of



**POOR QUALITY  
ORIGINAL**

0200

poison with the intent to kill should be entirely sufficient as it was under the Statutes to justify such a conviction although it may have been administered in consequence of ignorance in such large or small doses as not actually to have endangered human life.

Under the Penal Code, however, it is necessary that the proof should establish the fact that by the administration of the poison life was endangered. This it is almost impossible to prove. The poison is always administered secretly. The fact of the dangerous character of the dose can only be judged by its effects, and if death does not ensue, the proof upon this point is necessarily exceedingly difficult to procure.

The intention that the administration should be dangerous is involved in the proof of the intent to kill; and because of unskilful administration so that death does not ensue, the character of the crime does not in any degree seem to be lessened. The offence is certainly as great as an assault by means of any deadly weapon with intent to kill.

Under the law as it stands however the evidence in the case at bar was entirely insufficient to show that by the administration of the poison in question the life of Mrs Burgess was endangered, and consequently the conviction cannot stand.

The judgment should be reversed.

I concur,

Chas Daniels

I concur, J. R. B

8.

POOR QUALITY  
ORIGINAL

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Supreme Court

People  
v.  
Burger

Cap Van Buren P.f.

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POOR QUALITY  
ORIGINAL

0202

14 Park Place, N. Y.

# STENOGRAPHERS' MINUTES.

Part of General Sessions of the Peace,  
City and County of New York

The People  
against  
Alfred L. Burgess.  
Indicted for Assault, in the 1st degree.

BEFORE.

Hon Rufus B. Canning  
And a Jury.

Filed June 7<sup>th</sup> 1886

Witnesses:

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

Examination of Jurors

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Dr David B. Stevens

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51-53

Argument

53-57

The Charge

57-64



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ORIGINAL

0203

Court of General Sessions of the Peace,  
City and County of New York.

THE PEOPLE

against

ALFRED L. BURGESS,

Indicted for Assault, in the  
first degree.

Before

Hon Rufus B. Cowing,

And a Jury.

Tried - June 7<sup>th</sup>, 1886.

APPEARANCES:

Assistant District Attorney Vernon M. Davis, for the People;  
Mr House, for the defence.

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Mr House: Has any gentleman of the Jury  
read of the case at bar? The defendant is charged with  
attempting to poison his wife. Have any of you gentlemen  
read of it, or heard of it?

The Foreman: Yes Sir; I have.

**POOR QUALITY  
ORIGINAL**

0204

Mr House: Did it leave any impression on your mind as to the guilt or innocence of the accused, when you read it ?

The Foreman: Yes Sir; it did; ofcourse, it did.

Mr House: I excuse the Juror peremptorily.

-----0000000-----

JOHN F. PEYSER, being duly sworn, and examined as to his fitness as a Juror, testified as follows:

Q. (By Mr House) This prisoner is indicted for felonious assault in the first degree, in administering poison to his wife.

Have you read or heard of it ?

A. If I read of it, I don't remember it.

Mr House: Mr 7th Juror, you say that you read of the case ?

A. Yes Sir.

Q. Did it make an impression on your mind ?

A. At the time.

Q. Was it such an impression as would require strong evidence to remove ?

**POOR QUALITY  
ORIGINAL**

0205

A. Yes Sir; I should think so .

Q. It would require very strong evidence to remove it ?

A. Yes Sir.

Mr House: I think, your Honor, that this is a case where the Court can excuse the Juror.

Mr Davis: Mr Juror, do you think that, notwithstanding that impression that you had, that you could take your seat in the Jury box, and render a verdict conscientiously, upon the evidence as presented in the case, and upon that alone ?

The Juror: I think I could; yes sir.

The Court: Mr House, is that the only other juror that you are going to examine on the voir dire ?

Mr House: There is another one, I think, your Honor.

The Court: Well, I will sustain your challenge. I will excuse the gentleman. It would be well to have jurors who have not read of the case.

Mr House: And while we are waiting to have a substitute called, I will excuse the 11th Juror peremptorily.

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**POOR QUALITY  
ORIGINAL**

0206

JOHN F. BORST and FREDERICK GLAZER, being  
called and duly sworn as to their qualifications as jurors,  
testified as follows:

Q. (By Mr House) Mr Borst, do you know anything about this  
case ?

A. No Sir.

Q. Do you remember having read of it ?

A. Yes Sir; but I don't remember the substance of it.

Q. Your mind then is an entire blank as to it ?

A. Yes Sir.

Q. And you have no opinion, one way or another ?

A. No Sir.

Q. You feel that you could render a verdict according to the  
evidence ?

A. Yes Sir.

Q. And give this prisoner the benefit of every fair and reason-  
able doubt ?

A. Yes Sir.

Q. (To Mr Glazer) Do you remember reading of the case ?

A. I don't know what the case is.

Q. It is a charge that Mr Burgess attempted to administer poison

**POOR QUALITY  
ORIGINAL**

0207

to his wife, for the purpose, I presume, to effect her death.

A. I don't remember having read anything about it; possibly I did.

Q. But if you did, it has left no impression on your mind ?

A. No Sir.

Mr House: Then I take it, that there is no other gentleman that has read of the case, or heard of it.

The 10th Juror: I have read of the case, but I formed no opinion.

Mr House: Notwithstanding that fact, you could render a fair and impartial verdict, upon the evidence?

The Juror: Certainly, Sir.

Mr House: The Jury is satisfactory to the Defendant.

The Clerk: Is the Jury satisfactory, Mr House ?

Mr House: Yes Sir; it is.

Mr Davis: It is satisfactory to the People.

(The Jury is sworn)

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MARY E. BURGESS, called by Mr  
Davis, being duly sworn, testified as follows:

**POOR QUALITY  
ORIGINAL**

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Q. (By Mr Davis) You are the wife of this defendant; are you not ?

A. Yes Sir.

Q. How long have you been married to him ?

A. Three years.

Q. And how many children have you ?

A. Two .

Q. When was the one that you have in your arms born ?

A. The 30th of April, 1886 .

Q. Where were you living at that time ?

A. 334 West 99th Street.

Q. Who was living with you at the time ?

A. Anna Mulholland, my sister. She has been living with me, ever since our marriage, off and on.

Q. She is the other defendant ?

A. Yes Sir.

Q. She has been living with you, off and on, how long ?

A. Since I have been keeping house; since I have been married.

Q. Your husband was living with you ?

A. Not now; he was.

Q. He was at that time ?



**POOR QUALITY  
ORIGINAL**

0209

A. Yes Sir.

Q. Was he at home on that day ?

A. No Sir.

Q. (By the Court) What day ?

A. The 30th of April.

Q. (By Mr Davis) Where was he ?

A. At Princeton, New Jersey.

Q. How long had he been there ?

A. A week; as well as I can remember.

Q. Do you remember the 7th day of May, 1886?

A. Yes Sir.

Q. Was your sister, Anna Mulholland, living with you, at that place ?

A. Yes Sir.

Q. Was she nursing you there, through your sickness ?

A. Yes Sir.

Q. What physician did you have ?

A. Doctor Stevens.

Q. Now, on that day, did your sister administer--

(Objected to, on the ground that it is immaterial, irrelevant and incompetent, as the prisoner

**POOR QUALITY  
ORIGINAL**

0210

at the bar stands indicted for a felonious assault in the first degree)

The Court: I presume that the District Attorney is going to connect this. If he does not, I shall take good care that it does not affect the prisoner harmfully. You cannot introduce all of the proof at once.

Mr House: But, your Honor, I never saw the cart before the horse, as in this case.

The Court: It affects only the order of proof. If you do not object to it on the ground that it is leading, I will allow it.

Mr House: I except.

Q. (By Mr Davis) Did your sister, on that day, administer any medicine to you ?

A. Yes Sir.

Q. Now, tell the Jury just what took place in relation to that incident ?

A. Well, she came to me, with a wine glass and a flask, atleast, a small bottle, and in the wine glass was something of the color of Port wine.

**POOR QUALITY  
ORIGINAL**

0211

(Objected to, as not being in the presence of the prisoner, at the time)

Mr Davis: We claim that there was a well defined conspiracy between these two defendants, and we propose to connect them closely; but, as a matter of evidence, we have the right to put in evidence any word or act of the prisoners, connected in such a conspiracy.

The Court: This is not an indictment for conspiracy, as a substantive offence. Therefore, the declarations of one would not be evidence against the other.

Mr Davis: But we offer to connect these two.

The Court: I will allow you to show that, on May 7th, the sister administered some medicine to this defendant, but not the declarations, if any, that she made. The declarations I will exclude. I will also allow you to show, if you can, that the defendant was acting in concert with her.

Mr House: I except.

Q. (Mr Davis) What was the color of the medicine ?



**POOR QUALITY  
ORIGINAL**

02 12

A. It was the color of Port Wine.

Q. Well, there are different colors of Port Wine; red or light ?

A. Light.

Q. White ?

A. No Sir; light red.

Q. And did you drink it ?

A. Yes Sir.

Q. What effect, if any, did it have ?

A. Well, I vomited, and I had a burning sensation, and what I vomited was a greenish substance.

Q. Did the burning sensation follow immediately on your drinking it ?

(Objected to, as leading)

Q. How long after you drank this substance, which was given to you, did you experience that burning sensation ?

A. I didn't have it drank more than five or ten minutes.

Q. And in what part, in what locality did you feel the burning sensation ?

A. Well, it burned me all the way to my stomach .

Q. How long did the burning sensation last ?

A. It lasted most all the day, because I wouldn't take any-

IO

**POOR QUALITY  
ORIGINAL**

0213

thing else.

Q. It lasted most of the day ?

A. Yes Sir.

Q. How long after you had taken this substance, did you vomit?

A. Well, I had no more than got it down; it didn't seem to set on my stomach; I vomited right off.

Q. What was the color, did you say, of the substance ?

A. Light red.

Q. That is what you drank; what you vomited ?

A. A greenish substance.

Q. How long did it last ?

A. Almost all day .

Q. What then followed, if anything ?

(Answer objected to, and motion to strike out,  
on the ground that the court has ruled that the  
declarations shall not be admitted in evidence)

(Objection sustained, and answer stricken  
out.)

Q. (By Mr Davis) I only want to know what you did, in consequence of the burning sensation ?

A. Nothing .

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**POOR QUALITY  
ORIGINAL**

0214

Q. Nothing further ?

A. No Sir.

Mr House: In order that the record may be correct, I take an exception to the admission of every one of the questions and answers, from the taking of the substance down to the present time, because the drug was not administered in the presence of the defendant at the time.

The Court: I will allow you an exception. I will exclude all conversations between the parties, and have excluded them. But the acts I leave in. I think, however, that you should object to each question, and I will rule on it, if you desire it, for your own protection.

Q. (By Mr Davis) What time of the day was it when you drank this draught ?

(Objected to, as immaterial, irrelevant and incompetent) (Allowed) (Exception)

A. I couldn't say; about the middle of the day.

Q. Was Dr Stevens at your house, that day, at all ?

(Objected to, as before) (Allowed) (Exception)

A. Yes Sir.

Q. Had you summoned him ?

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**POOR QUALITY  
ORIGINAL**

0215

(Objected to, as before) (Objection sustained)

Q. (By Mr Davis) What time was he there ?

A. Before she gave it to me .

Q. Any other time during the day ?

A. No Sir.

Q. The next day ?

A. Yes Sir.

Q. What happened, on that day, if anything, while the doctor was there ?

(Objected to, as immaterial, and not in the presence of the prisoner at the bar)

Q. Did he prescribe any medicine for you, on the next day ?

A. Yes Sir.

Q. Had you communicated to him the fact that you had taken this draught, on the day before ?

(Objected to, as immaterial, irrelevant and incompetent) (Sustained)

Q. Was that the only time that your sister administered a draught of that kind, which was followed by the burning sensation and vomiting ?

(Objected to, on the ground that it is immaterial

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ORIGINAL**

02 16

and irrelevant. In the first place, the prosecution has not connected the prisoner at the bar with the sister in this case )

The Court: If they do not connect him with her, I will strike it all out. I will protect the prisoner's rights. I assume that the District Attorney means what he says, and, if he does not, I will protect the prisoner.

Mr House: I object, on the further ground that it calls for a conclusion of fact, in asking whether the girl, the sister, ever administered to her any other draught of a similar character, or substance.

Mr Davis: She could see with her eyes whether it was of the same color, or her taste would tell her.

The Court: You might ask the witness if, within a day or two after that, any substance was given to her, and what its color and effects were. Put that question.

Mr Davis: I adopt the question, in place of my own.

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ORIGINAL**

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(Objected to, as immaterial) (Allowed) (Exception)

A. No Sir; she didn't give me any more.

Q. (By Mr Davis) Did she offer you any more ?

(Objected to, as immaterial, irrelevant and  
incompetent)

The Court: Within what time ?

Mr Davis: Within a day or two.

(Allowed) (Exception)

A. Within a week after, she gave me it.

Q. But you didn't take it ?

A. No Sir.

Q. Then, only on one occasion did you drink a substance given  
to you by your sister, and that was followed by a burning  
sensation and vomiting ?

A. Yes Sir.

Q. Your sister is not living with you now ?

A. No Sir.

Q. When did you last see her ?

A. It will be two weeks tomorrow; two or three weeks; I aint  
sure.

Q. Well, how long after the day when she gave <sup>you,</sup> as you say,



**POOR QUALITY  
ORIGINAL**

02 18

this draught ?

A. How long after did I see her ?

Q. Yes.

A. Well, she was in the house.. I left the house. I left her there.

Q. When did you leave the house ?

A. I am not sure whether it will be two or three weeks on Wednesday, since I left.

Q. Can you fix the day by the time that you took the draught?  
How long after that ?

A. Well, I took that on the 7th of May .

Q. Now, how long after that did you leave ?

A. About two weeks.

Q. About two weeks after that ?

A. Yes Sir.

Q. Did you take your children with you ?

A. Yes Sir.

Q. What is the name of your other child ?

A. Edith.

Q. Is she ever called by any other name ?

(Objected to, as immaterial, irrelevant and in-

**POOR QUALITY  
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0219

competent) (Sustained)

Q. Now, Mrs Burgess, while you were at 99th Street, did you receive any letters from your husband ?

A. Yes Sir.

Q. Will you look at this paper, which I now show you--envelope and letter, and say whether that is a letter which you received ?

A. Yes Sir.

Q. You have received letters from your husband before, and are acquainted with his handwriting ?

A. Yes Sir.

Q. And have seen him write ?

A. Yes Sir.

Q. And that is his handwriting ?

A. Yes Sir.

Q. Did it come in that envelope ?

A. Yes Sir.

(Marked, People's Exhibit I, for identification)

Q. Now, look at this letter, which I now show you, and state if you have ever seen it before ?

**POOR QUALITY  
ORIGINAL**

0220

A. Yes Sir; I have.

Q. Did you see it in that envelope ?

A. Yes Sir.

Q. How did it come into your possession ?

(Objected to, as immaterial, irrelevant and incompetent)

Q. Do you know-- You see the signature of that letter ?

A. Yes Sir.

Q. Do you know whose handwriting that is ?

A. Yes Sir.

Q. Whose is it ?

A. My husband's.

Q. The defendant's ?

A. Yes Sir.

Q. And you received--You had possession of that letter ?

A. Yes Sir.

Q. When did you get possession of it ?

A. I got it on the 15th of May .

Q. Where were you ?

A. At 334 West 99th Street.

Q. And you opened and read it ?



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ORIGINAL**

0221

A. Yes Sir.

(Envelope and letter offered in evidence)

(Objected to, as immaterial, irrelevant and incompetent)

The Court: This letter purports to be to the sister.

Mr Davis: Yes Sir.

The Court: You have proved that it came from the defendant ?

Mr Davis: We have proved that it is ~~only~~ his handwriting.

The Court: I will allow it in evidence)

(Marked, People's Exhibit 2) (Exception)

Mr Davis reads the letter.

"Nassau Hotel."

-----  
A. D. Cook, Proprietor.

Princeton, N.J., May 12th, 1886.

My Darling Anna,

I arrived hear Safe And feeling

**POOR QUALITY  
ORIGINAL**

0222

" very well considering the circumstances "

" it makes me feel very lonesome to "

" think that hear I am all alone "

" wearas if everthing had turned out "

" as I expected you could have been "

" in charge of my little household . "

" but never mind.we may have A "

" chance before long to make another "

" attempt She wrote to me to day "

" Saying She did not know what I "

" wanted to try and kill her for. She "

" did not say in what way,but "

" but from what She Sayed I understood "

" her to mean that I was getting "

" instructed from down home. "

" I was sorry to her that the last "

" attempt was A failure but dont "

" give it up. try Something else "

" She might get Suspious if you give "

" her any more of that for A little "

" while on account of it burning So "

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ORIGINAL**

0223

" I write to her this evening telling "  
" her what I thought about the "  
" doctor. So if She ask you any "  
" thing about it tell her you know "  
" nothing. Dear Anna you will "  
" please keep an eye on Chipp as I dont "  
" want anything to happen to her. She "  
" might be spitefull enough to hurt "  
" her just because I thing so "  
" much of her. but Dear Anna. "  
" if there was only A way out of "  
" this that I could call you my "  
" own. is my sincere wish, "  
" answer as Soon as received and "  
" oblige your true lover A.L.B. "

(People's Exhibit I for identification, offered in evidence)

The Court: Do you object, Mr House, to this other letter ?

Mr House: I object to it, Sir, on the ground that it is immaterial, irrelevant, and has nothing to do



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ORIGINAL**

0224

with the charge in this case.

The Court: I will exclude that letter, the last letter.

I don't see that it has anything to do with  
the case.

Mr Davis: We do not urge its acceptance.

Q. (By Mr Davis) Mrs Burgess, did you correspond with your  
husband, while he was in Princeton, at this time ?

(Objected to, as immaterial, irrelevant and in-  
competent)

Mr Davis: This letter has been admitted in evidence,  
and in it the defendant speaks of a letter that  
that wife wrote to him.

The Court: That is what you want to prove? Well, as  
it is in evidence, it seems to be shown that  
they did have correspondence. That letter seems  
to show it.

(Objection sustained)

Q. After you left your residence, or the place that your  
husband had provided for you to live in, and where you  
drank this draught, did you return to it again ?

A. No Sir.

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ORIGINAL**

0225

(Objected to, as immaterial) (Allowed)

(Exception)

Q. Have you seen the defendant, Anna Mulholland, since the time that you left ?

A. No Sir.

(Objected to, as before, and motion to strike out the answer) (Denied) (Exception)

Q. At any time, around about the 7th of May, did your husband administer, personally, any draught to you ?

A. Yes Sir.

Q. When was that ?

A. It was on the 9th .

Q. (By the Court) Two days after ?

A. Yes Sir.

Q. In this city ?

A. Yes Sir.

Q. Where ?

A. 334 99th Street.

Q. (By Mr Davis) What were the results ? What followed after you drank that, if anything ?

A. The same as when I took what my sister gave me.

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ORIGINAL**

0226

Q. That is, a burning sensation and vomiting ?

A. Yes Sir.

Q. And were you ill any length of time after that ?

A. No Sir; I was in bed, at the time,

Q. Did you send for the doctor after that; after taking that?

A. No Sir.

Q. How long had your husband been home, at that time, on the  
9th ?

A. He had been home a day.

Q. And he come from Princeton only on Saturday, and this was  
Sunday ? He came on the 8th ? Saturday ?

A. Yes Sir.

Q. And this was Sunday, when he gave that draught ?

A. Yes Sir.

Q. Two days after your sister gave it to you ?

A. Yes Sir.

Q. And when did he go away again ?

A. Monday morning .

Q. That was the 10th ?

A. Yes Sir.

Q. Do you know where he went ?



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ORIGINAL**

0227

A. He left for Princeton, New Jersey .

Q. And were those two times the only two times that you received the draught from the defendant, Mulholland, or your husband ?

A. The only time from my husband. But she gave it to me, in things that she gave me to eat and drink.

Q. Can you recollect any time ?

A. She gave me it in soup, after I was up.

Q. About what day was that ?

(Objected to, as immaterial, and irrelevant)

Mr House further objects to anything that was administered to the complainant on the stand, except on the 7th and 9th days of May.

(Allowed) (Exception)

A. It was on a Monday, but I could not tell the date.

Q. (By Mr Davis) Was it after the 9th of May ?

A. Yes Sir.

Q. How long after, as near as you can say ?

(Objected to, as immaterial) (Allowed)(Exception)

A. About a week after.

Q. And was it followed by this burning sensation, and the

**POOR QUALITY  
ORIGINAL**

0228

vomiting ?

(Objected, as immaterial)(Allowed) (Exception)

A. Yes Sir; I took two table spoonsful of it, and couldn't keep it down.

Q. You took two table spoonsful of it, and couldn't keep it down ?

A. No Sir.

Q. What was it--a greenish substance ?

A. Yes Sir.

Q. Do you remember any other time when it was given to you in your food, around about the 9th or 10th of May ?

(Objected to, as before) (Allowed) (Exception)

A. The same day when I refused the soup she brought it, but I wouldn't take it.

Q. She brought you something to eat ?

A. No .

(The latter part of the answer objected to, as a declaration, which has been ruled out by the court) (Objection sustained)

Q. She brought you, on the same day that you received the soup, a substance that looked like the substance that you

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ORIGINAL**

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had taken on the 7th ?

A. Yes Sir.

Q. And then you refused it ?

A. Yes Sir.

Q. Why did you refuse it ?

(Objected to, as calling for a conclusion, and  
for the operation of the witness's mind)

(Sustained)

Mr Davis: I propose now to show, your Honor, in  
order that there may be no misunderstanding--  
I propose to show that this suckling child was  
effected in a way similar to the mother, as  
the result of her suckling the child, as she  
had administered this substance.

The Court: I will exclude that. I will confine it  
to the effect upon the mother. I will let you  
prove what it was, and the effect upon the mother.

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**CROSS-EXAMINATION:**

Q. (By Mr House) How long have you been married, Mrs Burgess?

A. Three years.



**POOR QUALITY  
ORIGINAL**

0230

Q. How many children have you ?

A. Two .

Q. How old is the eldest child ?

A. She is two years old.

Q. And what is the age of the little one that is on your lap?

A. Just five weeks old.

Q. You have lived with your husband, from your marriage up to  
the time that you have testified you left him ?

A. Yes Sir.

Q. He always supported you ?

A. Yes Sir.

Q. Do you know what your husband's business was ?

A. At the time of his arrest ?

Q. Yes; what was it ?

A. Steamfitter.

Q. For whom did he work ?

A. Baker and Smith .

Q. In this City ?

A. Yes Sir.

Q. Has your husband's treatment of you, during your married

**POOR QUALITY  
ORIGINAL**

0231

life, been kind and considerate ?

A. Yes Sir.

Q. Always provided well for you ?

A. Yes Sir.

Q. What was your business before you were married ?

A. Gentlemen's hat trimmer .

Q. Any other trade but that ?

A. No Sir.

Q. Never have waited upon sick people ?

A. No Sir.

Q. Never acted in the capacity of a nurse ?

A. No Sir.

Q. Do you know anything about drugs and medicines ?

A. No Sir.

Q. Mrs Burgess, if a liquid was presented to you now, in a glass, and it held poison, in fact, yet no one had told you that, would you swear, of your own knowledge, as to what it was ?

A. No Sir.

Q. Of your own knowledge, if you should see a liquid substance presented to you, would you know whether it was poison or

**POOR QUALITY  
ORIGINAL**

0232

anything else ?

A. No Sir.

Q. Outside of the letter that has been introduced here in evidence, and which you have identified as a letter written by your husband, will you swear that any person ever administered poison to you, at any time ?

(Objected to, as immaterial, irrelevant and incompetent) (Sustained) (Exception)

Q. When were you confined, Mrs Burgess ?

A. The 30th of April .

Q. And when did you send for the doctor, first ?

A. Sent for him that night.

Q. And the child was born when ?

A. 4 o'clock in the morning .

Q. And how long were you actually confined to your bed ?

A. About a week .

Q. When did the Doctor discontinue waiting upon you ?

A. The 10th of May .

Q. Are you under the charge of any physician, at the present time ?



**POOR QUALITY  
ORIGINAL**

0233

A. No Sir.

Q. Have you got a sample of that liquid substance that was administered to you, on the 7th and 9th ?

A. No Sir.

Q. Have you a sample of that liquid substance that was administered to you, at any time ?

A. No Sir.

Q. Have you had any analysis made of anything that was administered to you, on the 7th or 9th, or any other times ?

A. No Sir.

Q. This matter that you raised from your stomach, the greenish substance, did you have an analysis made of that ?

A. No Sir.

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Dr David D. Stevens, called by Mr  
Davis, being duly sworn, testified as follows:

Q. (By Mr Davis) You are a physician, are you not, Dr Stevens?

A. Yes Sir.

Q. Where is your office ?

A. 264 West 43rd Street.

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**POOR QUALITY  
ORIGINAL**

0234

Q. How long have you been practicing ?

A. Nearly eight years.

Q. To what school do you belong ?

A. Homeopathic .

Q. Did you attend the complainant, Mrs Burgess, during her last sickness ?

A. Yes Sir, I did.

Q. When was that ?

A. On April 30th last.

Q. You delivered her of her child ?

A. Yes Sir.

Q. How long did you continue to attend her, as her physician ?

A. I think it was about ten days; I wouldn't be certain .

Q. Do you remember the date on which you ceased to attend her?

A. I do not; but I think it was on the 10th, 11th or 12th of May .

Q. (By the Court) From April 30th, to about the 10th of May, you attended her ?

A. Yes Sir.

Q. (By Mr Davis) Do you remember what medicines you prescribed for her, or left with her ?

A. Yes Sir.

**POOR QUALITY  
ORIGINAL**

0235

Q. First, let me ask you: The medicines which she was to take, under your direction, were they mixed there by you, and arranged by you ?

A. They were prepared by me, in her presence, except Castor Oil, which I ordered her to take, three days after her confinement.

Q. All the others were prepared in her presence ?

A. Yes Sir.

Q. In the presence of the complainant ?

A. Yes Sir; Mrs Burgess.

Q. Well, on your calls at that house, did you see the defendant, Anna Mulholland--the other defendant in this case ?

A. I saw her there.

Q. Frequently ?

A. Every call I made, she was there.

Q. Did you, at any time, instruct her to administer medicines to Mrs Burgess ?

A. Yes Sir; the medicines that I left there for Mrs Burgess to take.

Q. Can you recall what medicines you left ?



**POOR QUALITY  
ORIGINAL**

0236

A. Only two kinds. One was caulophyllin, and the other was tincture of ipecac, and the other was castor oil. The tincture of ipecac has a red<sup>ish</sup> color, but I administered it in half a glass of water, and it is colorless that way.

Q. What is the color of the other medicine?

A. The tincture of caulophyllin is about the same color--a red<sup>ish</sup> color.

Q. When is it that color?

A. When prepared, when prepared for use.

Q. In what form were either prepared for use?

A. I prepared them in a half glass of water, a spoonful to be taken once in a half hour or hour.

Q. Would the taking of those medicines, or either of them, be followed by a burning sensation, lasting for some hours, followed by the vomiting of a greenish substance?

(Objected to, as immaterial, irrelevant and incompetent)

Mr Davis: I wish to show that the results, which the complainant describes, could not have followed the taking of the medicines prescribed by the witness.

The Court: I think that is immaterial. You might

POOR QUALITY  
ORIGINAL

0237

ask the general question--whether he prescribed any medicine that would cause a burning or vomiting <sup>sensation</sup> ~~sensation~~, as described by the complainant.

Mr Davis: I withdraw my question, your Honor, and substitute that one.

A. No Sir.

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CROSS-EXAMINATION:

Q. (By Mr House) How long have you been practicing ?

A. Nearly eight years.

Q. And, during that time, you have frequently been called to attend ladies, in cases of confinement ?

A. Yes Sir; very frequently.

Q. And that was the purpose for which you were called to see this lady ?

A. Yes Sir; it was.

Q. When did you attend her first ?

A. The 30th day of April .

Q. When was the child born ?

A. About 4 o'clock in the morning .

**POOR QUALITY  
ORIGINAL**

0238

Q. When did you cease your attendance ?

A. I think it was about the 10th or 11th. I won't be certain.

Q. Now, during the time, from the time you first attended her, and the child was born, down to the 10th or 11th, when you say you ceased your attendance, did you treat her because she had been vomiting, because she said she had been vomiting ?

A. I treated her for the symptoms .

Q. Now, the first time that you treated her for the symptoms, was the 7th day of May ?

A. Yes Sir.

Q. Did you prescribe medicines for natural causes ?

A. Yes Sir.

Q. In a case of confinement, is vomiting frequently caused by natural causes ?

A. It occurs; yes sir.

Q. (By the 7th Juror) Does not ipecac sometimes produce vomiting ?

A. Yes Sir; if given in large doses.

Q. (By the 6th Juror) Would a spoonful, administered in the



**POOR QUALITY  
ORIGINAL**

0239

way you prepared it, cause vomiting ?

A. I put five drops in half a glass of water, and gave it to the lady every hour.

Q. Would that amount cause vomiting ?

A. That would have a tendency to stop vomiting .

Q. (By the 12th Juror) Would either of the medicines that you prescribed cause irritation of the stomach ?

A. Not as I prescribe them. If given in large doses , they would.

Q. (By the Court) Did you leave enough there to cause irritation ?

A. No Sir.

Q. (By Mr Davis) Did you leave enough ipecac there? How much would it require to cause vomiting ?

A. A teaspoonful would have a tendency to cause vomiting, in some conditions.

Q. (By the 10th Juror) How much did you say you left ?

A. 5 drops, in a glass of water.

Q. (By the Foreman) And to what did you ascribe the vomiting, at that time ?

A. To natural causes.

**POOR QUALITY  
ORIGINAL**

0240

Q. (By Mr House) Anna Mulholland, was attending on the complainant; was she not ?

A. Yes Sir.

Q. Now, from what you observed while you were there, what was the nature and character of the lady's attendance ?

A. Why, everything seemed to be all right, so far as I could judge, whenever I was there. The lady seemed to have good attendance, and I saw nothing to arouse my suspicions.

Q. And is it not your opinion that her condition, generally speaking, throughout the time that you treated her, was that attendant upon good care ?

A. So far as I could see, she seemed to be attended, to be taken good care of. I saw nothing to excite my suspicions.

- - - - - 0000000 - - - - -

OFFICER EDGAR S. SLAWSON, called  
by Mr Davis, being duly sworn, testified as follows:

Q. (By Mr Davis) What is your precinct, officer ?

A. I am attached to the police central office.

Q. Did you make the arrest in this case ?

**POOR QUALITY  
ORIGINAL**

0241

A. Yes Sir.

Q. When did you make it ?

A. The 21st of May, I think it was .

Q. Where did you see the defendant ?

A. I won't be positive about the date. I think it was that date. I arrested him at 334 West 99th Street.

Q. Where did you take him ?

A. To Police Headquarters.

Q. Did he remain there ?

A. Until the following morning .

Q. And what did you do with him then ?

A. I took him to Jefferson Market Police Court.

Q. And was he charged with the crime there ?

A. Yes Sir.

Q. And did you have any conversation with him ?

A. Yes Sir.

Q. What was the conversation ?

A. I can't repeat it.

Q. Can't you repeat the substance of it ?

A. I conversed with him, in going from his house, by way of the 8th Avenue cars, to Hudson and Bank Streets. I had some



**POOR QUALITY  
ORIGINAL**

0242

conversation with him, on the road from his house to Police Headquarters, while riding in the 8th Avenue car, and on the Bleecker Street car, to Broadway and Houston Street.

Q. Do you remember the substance of that conversation ?

A. I couldn't repeat the conversation;no sir.

Q. What were you talking about--this case ?

A. Yes Sir.

Q. What was said? Do you recollect any of it, or the substance of it ?

I  
A. I spoke to him in connection with the other girl, Anna Mulholland, and I said to him that they had made a mistake; that I thought he was very foolish, in allowing this girl to lead him on to do anything, if anything had been done, and that I thought she was more to blame than he was. He said that, of course, he was to blame for anything, if anything had been done.

Q. He said that he was to blame for anything, if anything had been done ?

A. Yes Sir; we had a general conversation. I don't remember all that was said.

Q. Well, do you remember anything further ?

POOR QUALITY  
ORIGINAL

0243

A. I don't think I desire-- nothing that I would like to repeat, under oath, because I don't remember it.

Q. This was not long ago--the 21st of May ?

A. Well, we had a general conversation, and I don't remember all that was said .

Q. When you arrived at the Police Court--Jefferson Market, I think you said it was?

A. Yes Sir.

Q. What did he say, when the crime was charged against him, if anything ?

(Objected to, as a matter of record, and as the record is the best evidence, and it is now before the District Attorney.

Mr Davis: It is not all a matter of record.

The Court: What he did say was taken down by the Magistrate.

Mr Davis: In his formal examination; yes sir.

The Court: Well, that is the best evidence. *before Magistrate*

*(Here take in Defendant's formal Examination)*  
Q. You don't remember any other conversation that you had with him ?

**POOR QUALITY  
ORIGINAL**

0244

A. No Sir.

Q. Were you and he alone, at that time, as you were going to the Jefferson Market Police Court.

A. From his house, to Police Headquarters, in the car?

Q. Yes.

A. We were sitting together. I had an associate, Mr Charles O'Conner, but he was sitting on the opposite side of the car .

- - - - - 00000 - - - - -

**CROSS-EXAMINATION:**

Q. (By Mr House) You told him you thought he had been led on ?

A. Yes Sir.

Q. And that this Mulholland woman was more to blame than he for anything that had been done, if anything had been done?

A. Yes Sir.

Mr House: I move to strike out the testimony of this officer, as to what conversation was had between him and the defendant at the time, more especially that portion of it where the officer



0245

**CORRECTION**

0246

**MISSING PAGE (S)**  
**42 AND 43**

0247

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- - - - - 00000 - - - - -

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0248

testifies that the defendant stated that, if anything had been done, that he was to blame, on the ground that it is introduced as a partial confession, and that it was in response to a statement by the officer, intended to draw out a confession.

(Denied) (Exception)

The People rest

- - - - -000000- - - - -

Mr House: I move, first, that the Court direct an acquittal; and, second, that the Court advise the Jury to acquit. I do so upon the ground, Sir, tha the corpus delicti of this crime has not been established. The defendant at the bar is charged in the indictment with an attempt--charged with a felonious assault in the first degree--and the indictment charges the administration of poison. If there is any evidence in this case, at all, that can connect the prisoner with the commission of any offence, it is the letter, and that is introduced

0249

here in the nature of a confession. The Code says that <sup>no</sup> ~~any~~ person can be convicted upon a confession made in regard to a crime charged against him, without additional proof.

Now, where is there any additional proof that would warrant the jury in finding that poison, or any other substance that might cause her death, was administered?

The Court: I do not think, Mr District Attorney, that you have gone far enough. You have not proved that the substance was a noxious one, or would injure life.

Mr Davis: There are two counts in this indictment, one of which charges the administration of poison, and the other of which charges the administration of a noxious drug. We have shown, in the first place--connected the defendant on trial with the defendant whose arrest has not yet been made, through a letter.

We have shown that a certain substance, not prescribed by the physician who was in regular

0250

attendance, was administered to the complainant, and was followed by a burning sensation, and also the vomiting of a greenish substance.

We have shown what the medicines prescribed by the physician were, and that, in that special instance, they would not produce that effect.

Now, we claim that the letter of the defendant, introduced in evidence, is evidence of the character of that drug, that thing, which was administered, and it is for the jury to say, upon all of those facts, whether it was a noxious drug.

The letter, your Honor will remember, points directly to an attempt to be made by the defendant, Mulholland, upon the life of the complainant. It shows clearly that there was a guilty love between the parties; that there was a secret, illicit understanding between them, and that there was a desire upon the part of the defendant to get rid of his wife, in order, as he says in the letter, to enable the defendant, Anna Mulholland, who administered the drug, to take charge of his little house-



0251

hold.

The Court: The trouble is that you have not proved what it was. Non constat, it may have been Port Wine, or some other entirely harmless substance.

Mr Davis: But, your Honor, have we not a right to resort to the letter, to show what the substance is ?

The Court: How do you know the letter refers to that particular substance that was given, at that time?

Mr Davis: Is not that a question for the Jury?

The Court: I think you must prove what the substance was; not leave it for the Jury to infer.

Mr Davis: Well, we proved it by the circumstantial evidence which is in our possession.

The Court: For all it appears, it may have been a perfectly harmless substance.

Mr Davis: We must prove it by the effects.

The Court: No. If some of it was preserved, you should prove it by an analysis. As I understand the proof, you have proved that, on the 7th of May,

0252

the sister-in-law of the defendant gave his wife some substance of a reddish color; that, following the taking of the substance, she vomited a greenish matter, and had a burning sensation for a long time, and that's all.

Mr Davis: But have we not also proven, by an admission of the defendant himself, that they were connected in a scheme to give her something which would cause her death.

The Court: Let me read the letter again.

(The Court reads the letter)

Mr Davis; I claim that we can resort to the letter also, to show the character of the drug.

The Court: I think you should prove the character of the substance that was given. It seems to me that you should prove that it was poison, or something injurious to life.

Mr Davis: Such schemes are always carried out in secret, and, if we cannot prove them by results and admissions, how can we prove them?

The Court: You can prove them by the analysis

0253

of the substance given, or the substance vomited, or the proof as to the symptoms. Now, there is no proof here but that these symptoms described here might have resulted from taking a glass of milk, or a glass of Port Wine.

Mr Davis: But do we not go far enough in showing, by the letter, the conspiracy to administer poison ?

The Court: I think that you should show that the substance was poison.

Mr Davis: If your Honor desires to take it from the jury, that is the best case that the people can make out.

The Court: Looking at the case, without the letter, what would you say ?

Mr Davis: Taking the letter out of the case, I should certainly say that we ought not to go to trial

The Court: You must not attempt to convict people on suspicion. There must be tangible evidence. I think there ought to be some proof that the article which was administered was poison, or something that



0254

would injure life.

Mr Davis: Well, your Honor, we have made every effort to get the results of the vomiting, or some of the substance. We have also searched to get the receptacle that contained the draught, but we have not been able to do so.

The Court: But you have not called any expert on the stand to show that the symptoms described would result from the taking of poison. You have not proven what the nature of the alleged poison was. You have not proved that any other substance, perfectly harmless in itself, such as a glass of milk, might not produce the same results.

Mr Davis: With your Honor's permission, I will recall the Doctor.

Mr House: I object to the reopening of the case.

(Objection overruled) (Exception)

-----00 0000-----

DOCTOR STEVENS, recalled by Mr Davis, testified as follows:

0255

Q. (By Mr Davis) Doctor, have you any acquaintance with poisons, and the symptoms of poisoning ?

A. Yes Sir; I know something about them.

Q. Have you heard the description of the symptoms, which have been described here by Mrs Burgess, as subsequent upon her taking the draught--the burning sensation and the vomiting ?

A. Yes Sir.

Q. Do you know any noxious substance-- Do you know of any poison that would be followed by such symptoms as those ?

(Objected to, as there is no evidence to show that poison of any kind was administered to the complainant) (Allowed) (Exception)

A. Why, there are quite a number of poisons that would cause vomiting. There are a certain class of poisons that would all cause it.

Q. What are they ?

(Objected to, as immaterial)

Q. (By the Court) Are there any substances that could be administered to a person, though not poisonous, which would cause the burning sensation and the vomiting ?

0256

A. To a person in that condition ?

Q. Yes .

A. Yes Sir; there are things that would cause vomiting, which would be, at other times, harmless.

Q. Of a greenish color, and a burning sensation ?

A. Well, it is possible; although the burning sensation would come from indigestion.

Q. It might come from indigestion ?

A. Yes Sir; as your Honor stated just now, in certain cases, a glass of milk would cause vomiting, and more or less gastric trouble.

Q. You might take a person in her condition, and give her substances that would cause these symptoms, that would not cause the same symptoms upon her, or anybody else, in a different state of health ?

A. Yes Sir.

-----0000 0000-----

Mr Davis: Do you think, your Honor, that we ought not to go to the Jury, on the case presented?

The Court: I do not think that you have made



0257

out a case.

Mr Davis: It is the best one we have, your Honor.

The Court: The letter alludes to an attempt, and the people claim that it was to take life, whether by giving this medicine or in some other way, and you want the jury to infer that the attempt was made when the girl gave the medicine, as alleged, that caused the symptoms.

Mr Davis; There is also evidence that the husband gave a similar substance, two days later, and that it was followed by the same symptoms. That puts both of the defendants in the light of an administration of the drug.

The Court: Now, this Doctor says that it might not be a substance of a poisonous character to create the symptoms. He says that, if a person, in her condition, had taken milk, which is entirely harmless, she might have had those symptoms.

Mr Davis: The evidence shows it was not milk.

The Court: Yes; but not, necessarily, that it was poison.

0258

Mr Davis: I think that, without the letter, we would have no case whatever. But, I think, by resorting to the letter, which is in evidence, we do get an idea of the noxious character of the drug.

The Court: Then you want the Jury to infer that the letter referred to the administration of this particular substance ?

Mr Davis: Yes Sir; to this attempt to kill, necessarily.

The Court: If the People were able to establish that this was a poison that was administered, I should say that, taking it in conjunction with the letter, I would let it go to the Jury.

Mr Davis: We cannot prove that, your Honor. We can only rely upon the symptoms, and the letter connecting the defendant with the person who administered the draught.

The Court: Without proof that the substance was poison, or some substance injurious to life, I do not think that you have made out a case sufficiently strong to submit to the Jury. Without the letter,

0259

you certainly have not. But, even with the proof that you have put in, I don't think that the evidence is sufficient. You ought to prove the character of the draught. You have proven that something was given, and you have proven that certain symptoms resulted immediately after taking it, but there is no proof that that might not have resulted from a perfectly harmless article.

Mr Davis; The Doctor says it would be the result of certain poisons also.

The Court: Yes; that poisons given produce that result. He says also that harmless things might produce that.

Mr Davis: Yes Sir. That would be a fatal defect, without the letter, which shows a well defined conspiracy to rid themselves of the complainant, by administering something noxious to life.

The Court: I do not think that you have made out a case sufficiently strong to warrant a conviction. Still, Mr House, I am inclined to think that you had better go into your defence.



0260

Indictment filed - May 28, 1886  
Court of General Sessions of the Peace,  
City and County of New York

The People

against

Alfred L. Duggan

Indicted for assault in the first degree

STENOGRAPHERS' TRANSCRIPT.

Filed - June 1886.

Motion for new  
trial denied.

12130  
Nov 9/86. of

Frank T. Beard,

Attorney at Law,  
and Stenographer,  
Part 21

POOR QUALITY  
ORIGINAL

0261

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Part 21



POOR QUALITY  
ORIGINAL

0262

Department of  
PUBLIC CHARITIES AND CORRECTION,

HENRY H. PORTER, Pres't.

THOMAS S. BRENNAN,

CHARLES E. SIMMON, Commissioners.

Office of City Prison, Corner of Franklin and Center Streets,

Thomas P. Walsh  
~~JAMES FINN~~, WARDEN.

New York, Jan 19 1887

Wm. Randolph D. Martine  
District Attorney of New York City & Co.

Sir.  
I respectfully call your attention  
to the case of Alfred R. Burgess, who  
was sentenced Nov 15<sup>th</sup> to State Prison  
for 6 years & 8 months for assault.  
He was brought back here from Sing Sing  
Prison on the 17<sup>th</sup> January, and is now  
in the City Prison; the Sheriff did not  
have any papers with me for to  
hold him in, and as the case now  
stands I have no authority for hold-  
ing him in the City Prison.

Will you please see that I have  
the proper authority if he is to remain  
in my custody and oblige

Yours very Respectfully

Thomas P. Walsh  
Warden



POOR QUALITY  
ORIGINAL

0263

People  
v  
Alfred L. Burgess

In comm

New York, July 4<sup>th</sup> 1957

Mr. Harris.  
being as the Supreme Court has  
decided the case in favor of my  
husband I would ask you to  
use your influence in his behalf  
I hope you will aid me in  
getting him released as I have  
suffered untold misery since  
his confinement he was always  
a good man and faithful I  
trust to me and I am  
convinced that he will start life  
again with better resolve I  
hope you will listen to these few  
words and do all you can to  
restore him to his family. his employer  
has promised him steady work.  
trusting this will meet your speedy  
approval I remain very Respt.  
Mrs. Burgess 360 West 50 St.

POOR QUALITY  
ORIGINAL

0264

2

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*Mary C. Burgess* Examination had *May 23<sup>rd</sup> 1886*  
*Alfred L. Burgess* agst *Hon. J. G. Duffy* Police Justice.

I, *J. J. Cheney* Stenographer of the *2<sup>nd</sup>* District Police  
Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Mrs. Burgess*  
*and Dr. Stevens*  
as taken by me on the above examination before said Justice.

Dated

188

*May 23<sup>rd</sup> 1886*  
*J. G. Duffy* Police Justice.  
*J. J. Cheney* Stenographer



POOR QUALITY  
ORIGINAL

0265

Police Court—2 District.

City and County } ss.:  
of New York, }

of No. 416 West 42<sup>d</sup> Street, aged 22 years,  
occupation House Keeper being duly sworn  
deposes and says, that on 7<sup>th</sup> day of May 1886 at the City of New  
York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by Alfred L. Burgess -  
and acting in concert with the said Alfred L. Burgess -  
Jack. White in the 8<sup>th</sup> day of April 1886. deponent  
was confined to her bed by reason of Chills with  
that the said Annie Mulholland was attending  
deponent that on the 7<sup>th</sup> day of May 1886 the said  
Annie administered to deponent some  
dark liquid poison destructive or  
noxious thing saying to deponent that  
the doctor had prescribed it for deponent  
that immediately after deponent had  
taken said liquid deponent commenced to  
omit and had a burning sensation in the stomach  
and vomited a green substance that on the  
9<sup>th</sup> day of May 1886 the said Alfred L. Burgess -  
administered another glass of the same liquid  
with the same result that deponent has since  
received the letters here to attached which deponent  
fully identifies as being in the handwriting of the said  
Alfred L. Burgess - deponent therefore charges  
that the said defendants were acting in concert together  
with the felonious intent to take the life of deponent, or to do her grievous bodily harm; and without  
any justification on the part of the said assailant

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

Sworn before me, this 21<sup>st</sup> day  
of May 1886

Mary E. Burgess  
Ma. Frank Police Justice.



POOR QUALITY  
ORIGINAL

0266

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 188 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 mentioned, I order he to be discharged.

Dated 188 Police Justice.

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of  
Mary Carpenter  
vs.  
George Carpenter  
John Mulholland

Dated 188  
Magistrate.  
C. S. Dawson  
Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

**POOR QUALITY  
ORIGINAL**

0267

District Attorney's Office.

PEOPLE

vs.

Mrs. Burgess  
360 West 50

POOR QUALITY  
ORIGINAL

0268

People  
vs.  
Alfred Burgess.

Asst. 2<sup>nd</sup> Deg.

Complainant's Address

Matamoras, July 28, 1937.

M. J. Harris.

I am in Matamoras New Jersey  
and thought best to send you  
word I have watched the papers  
but have not heard whether  
Mr. Burgess was sentenced. I would  
like to know the children and  
myself were not well and I  
thought a few weeks out of the  
city would do them good.

Respectfully, Mrs. Burgess!



0269

People  
 of  
 the  
 County of  
 New York

POOR QUALITY  
ORIGINAL

0270

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss

District Police Court.

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

Question What is your name?

Answer

*Alfred H. Burgess*

Question. How old are you?

Answer

*Twenty-five years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*No. 884 West 99th Street - About seven months*

Question What is your business or profession?

Answer

*Steam-fitter*

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 have nothing to say*

*A Burgess*

I solemnly swear before me this 25th day of May 1886

*W. J. H. H. H.*

Police Justice.

POOR QUALITY  
ORIGINAL

0271

Sec. 151.

District Police Court.

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 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 Mary S. Burgess of No. 116 West 42nd Street, that on the 21st day of May, 1888 at the City of New York, in the County of New York,

And Alfred L. Burgess he was violently Assaulted and Beaten by Ann M. Mulholland

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

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 said Defendant and bring him forthwith before me, at the 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 21st day of May, 1888

W. H. Wells POLICE JUSTICE.

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant--A. & B.

Dated

188

Magistrate.

Officer.

The Defendant

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer

Dated

188

This Warrant may be executed on Sunday or at night.

W. H. Wells Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,



POOR QUALITY ORIGINAL

0272

May 23<sup>rd</sup> 1886.  
The Justice presiding  
at the 2<sup>nd</sup> Court Office  
Court will release  
him and determine the  
main case in 1887.  
Sentence. W. W. White  
Police Justice

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court 143 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. D. Morgan  
State of seductions

1 Alfred H. Morgan  
2 Emma Morgan  
3  
4  
Offence. *W. D. Morgan*

Date May 13 1886

Charles White Magistrate  
Edmund Morgan, John Morgan Officer.

Witnesses  
H. A. Morgan Precinct.

No. 114 West 43<sup>rd</sup> St. Street.

Complainant committed

to the House of Detention  
under \$500 bail.

No. \_\_\_\_\_  
Complainant's answer *W. D. Morgan*

May 25<sup>th</sup> 1886.

3000. Bail

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

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

Dated May 25 1886. *W. D. Morgan* Police Justice.

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

Dated \_\_\_\_\_ 1886. \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1886. \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0273

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Alfred E. Conners  
Anna Mulholland

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

Alfred E. Conners and Anna Mulholland  
of the CRIME OF Assault in the first degree,

committed as follows:

The said Alfred E. Conners and Anna  
Mulholland, both

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the seventh day of May, in the year of our Lord  
one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid,

with force and arms, in and upon one  
Mary E. Conners, then and there being,  
willfully and feloniously did make and  
assault, and did then and there willfully  
and feloniously administer to, and cause  
to be administered to and taken by her  
the said Mary E. Conners, a certain  
poison to the effect and purpose aforesaid  
intention, with intent in so doing, then  
the said Mary E. Conners thereby then  
and there willfully and feloniously to  
kill; by means whereof the life of her  
the said Mary E. Conners was then  
and there endangered 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 do present,  
by this indictment further accuse the  
said Alfred S. Camargo and Anna M.  
Holland of the crime of assault in the  
first degree, committed as follows:

That the said Alfred S. Camargo  
and Anna M. Holland, both late of  
the Ward, City and County of New  
York, to wit: on the day and in the  
year aforesaid, at the Ward, City and County  
aforesaid, with force and arms, in and  
upon the said Mary E. Camargo, then  
and there being, unlawfully and feloniously  
did make another assault, and did  
then and there unlawfully and feloniously  
administer to, and cause to be administered  
to and taken by her the said Mary E.  
Camargo, a certain destructive and  
noxious thing to the said Mary E. Camargo  
intentionally, with intent in so doing, her  
the said Mary E. Camargo, thereby then  
and there unlawfully and feloniously to  
kill; by means whereof the life of her  
the said Mary E. Camargo was then and  
there endangered: against the form of



POOR QUALITY  
ORIGINAL

0275

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.

Randolph C. Martin,

District Attorney.

0276

BOX:

218

FOLDER:

2149

DESCRIPTION:

Burgess, William

DATE:

05/05/86



2149

Witnesses:

Charles ap

Wm. Deegh.

for

Counsel,

Filed

May 1886

Pleads,

THE PEOPLE

vs.

William Burgess  
(Accused)

Burglary in the Third Degree.  
and Robbery and Rape.  
[Sections 408, 506, 528, 531 and 539]

RANDOLPH B. MARTINE,

District Attorney.

Filed May 3, 1886

A True Bill.

William Van der Meer

Foreman

John Cross et al.

for

POOR QUALITY  
ORIGINAL

0277



POOR QUALITY  
ORIGINAL

0278

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Smagor*

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

*- William Smagor -*

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

The said *William Smagor*.

late of the *Fifteenth* - Ward of the City of New York, in the County of New York, aforesaid, on the *First* - day of *May*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *residence* of one

*- William Mendel -*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*William Mendel*.

in the said *residence*, 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.

POOR QUALITY  
ORIGINAL

0279

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— William Burgess —

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *William Burgess*.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*thirty two gold dollars of the value*  
*of two dollars each, two boxes of*  
*cigars of the value of five dollars*  
*each box, and the sum of two dollars*  
*in money of the value of two*  
*dollars.*

of the goods, chattels and personal property of one

*William Meindert* —

in the *room* of the said

*William Meindert* —

there situate, then and there being found, *in the room* 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.

POOR QUALITY  
ORIGINAL

0280

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*- William Burges -*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *William Burges.*

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*Did take and receive of the  
value of two dollars each, two  
boxes of cigars of the value of  
five dollars each box, and the  
sum of two dollars in money of  
the value of two dollars.*

of the goods, chattels and personal property of one

*William Mantel.*

by a certain ~~person~~ of persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*William Mantel.*

unlawfully and unjustly, did feloniously receive and have; the said

*William Burges.*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**



POOR QUALITY  
ORIGINAL

0281

26 - ordered

Witnesses:

Counsel,

Filed

Pleads,

of *J. C. Day* 1886

THE PEOPLE

*vs.* *R.*

*William Burgess*  
(Prisoner)

*Burgess in the Third Degree.*  
*Sections 408, 506, 528, 531, 550.*

RANDOLPH B. MARTINE,

District Attorney.

*In May 1886*  
*reads Burg. 3, 10*

A True Bill.

*William Van Mearns*

Foreman

POOR QUALITY  
ORIGINAL

0282

Police Court 2 District.

City and County }  
of New York, } ss.:

William Minheit  
of No. 12 West 4<sup>th</sup> Street, aged 32 years,

occupation Keep Restaurant & Beer Saloon being duly sworn

deposes and says, that the premises No. 12 West 4<sup>th</sup> Street,  
in the City and County, aforesaid, the said being a three story brick building  
in the 15<sup>th</sup> Ward

and which was occupied by deponent as a Restaurant & Lager Beer Saloon  
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking or  
prying open the front door of said saloon  
with a jimmy

on the 1<sup>st</sup> day of May 1886 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Two sets of composition pool balls, two boxes  
of cigars, and about two dollars, gold and lawful  
money of the United States, together of the value  
of Sixty Eight Dollars.

(\$68.00)

the property of Deponent & John West and in the  
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

William Burgess (now here)

for the reasons following, to wit: that at about the hour of 12  
O'clock P. M. on the 30<sup>th</sup> April 1886, Deponent  
locked and securely fastened said saloon  
and left it. And on the following morning at  
about 6.30 O'clock A.M. May 1<sup>st</sup> 1886, Deponent,  
was informed by his bartender, that the saloon  
had been broken open and the aforesaid property  
taken away. And Deponent is informed by  
Officer John S. Sullivan of the 15<sup>th</sup> Precinct Police.



POOR QUALITY  
ORIGINAL

0283

that he the Officer found the two sets of pool balls and about fifty segars in the possession of one Lizzie Owens of No 154 Wooster St. And the said Lizzie Owens informed the Officer that the said defendant had brought the aforesaid property to her home on the Morning of May 1<sup>st</sup>. deponent has since seen said property and fully identifies it as his. Wherefore deponent Charges the said defendant with burglariously entering said premises and feloniously taking Stealing and carrying away the aforesaid property and prays he may be held and dealt with according to Law.

Sworn to before me  
this 2<sup>nd</sup> day of May 1886

William Meirkeich

Henry Murray  
Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Degree. Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.



POOR QUALITY  
ORIGINAL

0284

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 38 years, occupation Lizzie Owens of No.

154 Wooster Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Meinheit  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

May

2 1886

Henry G. Brown  
Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged \_\_\_\_\_ years, occupation John S. Sullivan of No.

15th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Meinheit  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

May

2 1886

John S. Sullivan  
Police Justice.

POOR QUALITY  
ORIGINAL

0285

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

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

Question What is your name?

Answer William Burgess

Question. How old are you?

Answer 20 years old

Question. Where were you born?

Answer New York cit

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

Answer 52 South 5<sup>th</sup> Ave. about one month.

Question What is your business or profession?

Answer Peddler.

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

William Burgess

I taken before me this

James J. McLaughlin  
188  
Police Justice.

POOR QUALITY  
ORIGINAL

0285

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court No. 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
William Munkelt  
12 West 14th St  
William Burgess  
Offence Burglary

RECEIVED  
MAY 3 1886  
CLERK

Dated May 2 1886  
Magistrate  
John J. Sullivan, Officer.

Witnesses  
No. 1 Paul Price Street  
No. 2 John C. Curren Street  
No. 3 John W. Curren Street  
No. 4 John W. Curren Street  
John W. Curren  
68 E. 86th St  
Officer Curren 15th Street  
to answer to answer to answer

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 \_\_\_\_\_

William Burgess  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 2 1886 Henry H. H. H. Police Justice.

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

Dated \_\_\_\_\_ 1886 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1886 \_\_\_\_\_ Police Justice.



POOR QUALITY  
ORIGINAL

0287

Wm Burgess - on 30th April  
bought a small shop of Mary Harko-  
vity - 6 University Place (15 Ward)  
and stole 24 tins, 8 razors, -  
1 dipping machine, - 12 ~~coconuts~~  
3 bottles hair tonic, 6 cakes of soap,  
and 1 canary bird.

One of the tins was found  
on Burgess by John S. Sullivan  
of 15th Street, and Emil Aguirre  
16 6th Ave. will testify that he  
bought the above dipping machine,  
from Burgess and another  
man. Harkovity has seen the  
dipping machine & identified  
it.

POOR QUALITY  
ORIGINAL

0200

THE PEOPLE OF THE STATE OF  
NEW YORK

against

Wm. C. C. C.

C. C. C.

RANDOLPH B. MARTINE,  
DISTRICT ATTORNEY,

No. 82 CHAMBERS STREET,  
NEW YORK CITY.

Witness:  
Wm. C. C. C.  
C. C. C.  
C. C. C.  
C. C. C.  
C. C. C.  
C. C. C.  
C. C. C.

POOR QUALITY  
ORIGINAL

0289

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Bonagraz*

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

*- William Bonagraz -*

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

The said *William Bonagraz*.

late of the *Fifteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *thirtieth* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *shop* of one

*- Mary Hawthornthry -*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*Mary Hawthornthry*.

in the said *shop*, 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.



POOR QUALITY  
ORIGINAL

0290

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— William Smagers —

of the CRIME OF *Larceny* LARCENY in the second degree, committed as follows:

The said

*William Smagers.*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*Twenty four pounds of the value of*  
*Twenty five cents each, eight pairs*  
*of the value of one dollar each, one*  
*sewing machine of the value of*  
*five dollars, twelve combs of*  
*the value of twenty five cents*  
*each, three bottles of hair tonic*  
*of the value of one dollar each bottle,*  
*six boxes of soap of the value of*  
*twenty cents each box, and one five*  
*cent coin, of the value of five cents,*

of the goods, chattels and personal property of one

*Mary Hawthorne*

in the

*shop*

of the said

*Mary Hawthorne*

there situate, then and there being found, in the *shop* 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.

POOR QUALITY  
ORIGINAL

0291

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*William Conrager —*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*William Conrager, —*

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*Twenty four pounds of the value of twenty  
five cents each, eight nags of the value  
of one dollar each, one digging machine  
of the value of five dollars each, twelve  
corks of the value of twenty five  
cents each, three bottles of hair tonic  
of the value of one dollar each bottle,  
six pairs of socks of the value of twenty  
cents each pair, and one live parrot  
bird of the value of five dollars, —*

of the goods, chattels and personal property of one

*Mary Hawthornth.*

by ~~a certain person~~ or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*Mary Hawthornth.*

unlawfully and unjustly, did feloniously receive and have; the said

*William Conrager, —*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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.

**RANDOLPH B. MARTINE,**

District Attorney.

Witnesses:

Marks Kertsonitz  
Off John W. Jackson  
15 March

Counsel,

Filed

6 day of May

1886

Pleads,

with jury.

THE PEOPLE

vs.

William Binger

(Prisoner)  
May 2. 1886

Bringing in the Third Degree.  
Grand Jurors, 2nd degree.  
[Sections 498, 506, 528, 534, 550.]

RANDOLPH B. MARTINE,

District Attorney.

24 May 1886

Please jury to 2nd degree.

A True Bill.

Victor Van Marne

Foreman

POOR QUALITY  
ORIGINAL

0292



POOR QUALITY  
ORIGINAL

0293

Police Court— District.

City and County } ss.:  
of New York, }

of No. 115 1/2 Mowbray Place Street, aged 50 years,  
occupation Carpenter being duly sworn

deposes and says, that the premises No 115 1/2 Mowbray Place Street,  
in the City and County aforesaid, the said being a three story brick building the  
1st floor:  
and which was occupied by deponent as a Carpenter Shop  
and in which there was at the time <sup>no</sup> human being, by name

were BURGLARIOUSLY entered by means of forcibly throwing a barrel  
and arm through a broken pane of glass in a back  
door which opened from said shop into an alley-way  
adjoining said shop and by stepping back a bolt which fastened  
said door and also removing a piece of iron which was fixed against  
said door on the 1st day of April 1886 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One box of carpentering tools  
containing three saws, a level, a brace, and  
various bits, chisels, gauges and several  
other implements and tools  
All of the value of twenty dollars

the property of Deponent

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

William Burgess (now here)

for the reasons following, to wit:

That between the hours of 5 and 6 o'clock  
on Saturday the 17 day of April 1886 deponent locked  
and securely fastened the above described premises, that  
on the following Monday morning April 19<sup>th</sup> 1886 deponent  
on going to his shop at the above address discovered that  
the premises had been burglariously entered in the manner  
above described and that the above described property had  
been taken, stolen and carried away.  
Deponent further says that George Burgess has admitted

POOR QUALITY  
ORIGINAL

0294

and confessed and informed defendant in the presence  
of Officer Edward Gilgar of the 15 Precinct Police, that  
on Sunday the 29<sup>th</sup> day of April 1886 he purchased the  
above described property from the said William J. Rogers  
wherefore defendant charges the said William J. Rogers  
with unlawfully entering the above described premises  
and with unlawfully taking, obtaining and carrying  
away the above described property.

Subscribed and sworn to  
2 day of May 1886

David McBride

Henry Murray Police Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

POOR QUALITY  
ORIGINAL

0295

CITY AND COUNTY }  
OF NEW YORK, } ss.

*George Owens*  
aged *40* years, occupation *Laboren* of No.

*1571 Wooster* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *David M. Bide*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this  
day of *May* 188*8*

*George Owens*

*Ben Hurman*  
Police Justice.



POOR QUALITY  
ORIGINAL

0296

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY {  
OF NEW YORK, ss

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

Question What is your name?

Answer

William Burgess

Question. How old are you?

Answer

20 years old

Question. Where were you born?

Answer

Pennsylvania

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

Answer

52 South 5<sup>th</sup> Ave. About Six Months.

Question What is your business or profession?

Answer

Red car.

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

William Burgess

Taken before me this

day of

188

James J. Murray  
Police Justice

0297

**Residence...**

ON THE COMPLAINT OF

1 William A. Swartz

4.

**Dated**

May 11

188

Offence

Richard Dyer

13

Precinct

**Witness**

George Brown

No. ....

May 8 2025

**Street**

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

**Street**

No. ....

.....

Street

69

to answer 22

1

*It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named* \_\_\_\_\_

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

Dated May 2 1880 Henry W. ... Police Justice.

*I have admitted the above-named* \_\_\_\_\_

*to bail to answer by the undertaking hereto annexed.*

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

*There being no sufficient cause to believe the within named* .....

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

*Dated* ..... 188 ..... *Police Justice.*

POOR QUALITY  
ORIGINAL

0298

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Smagor*

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

*- William Smagor -*

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

The said *William Smagor*

late of the *5th Ward* - Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *April*, - in the year of our Lord one thousand eight hundred and eighty- *six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *shop* - of one

*- David McBride, -*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*David McBride, -*

in the said *shop*, 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.



POOR QUALITY  
ORIGINAL

0299

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— William Smagers —

of the CRIME OF *Rejoice* LARCENY in the second degree, committed as follows:

The said *William Smagers*,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

one box of the value of one dollar,  
three pairs of the value of three dollars each,  
two planes of the value of one dollar each,  
three bits of the value of twenty-five  
cents each, one piece of the value of three  
dollars, seven pins of the value of  
one dollar each, one square of the value  
of one dollar, two screw-drivers of the  
value of fifty cents each, two squares  
of the value of one dollar each, and one  
band of the value of one dollar,

of the goods, chattels and personal property of one *David Mc Bride*,

in the *shop* of the said *David Mc Bride*,

there situate, then and there being found, in the *shop* 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.

**POOR QUALITY  
ORIGINAL**

0300

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*- William Burgess -*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *William Burgess,*

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*one box of the value of one dollar,  
three saws of the value of three dollars  
each, two planes of the value of one dollar  
each, twelve bits of the value of seventy five  
cents each, one brace of the value of three  
dollars, seven chisels of the value of one  
dollar each, one square of the value of  
one dollar, two screw drivers of the value of  
fifty cents each, three gouges of the value of  
one dollar each, and one level of the value of  
one dollar, —*

of the goods, chattels and personal property of one *David McBride, —*

by *a* certain *person or* persons to the Grand Jury aforesaid unknown, then lately before feloniously  
stolen, taken and carried away from the said *David McBride, —*

unlawfully and unjustly, did feloniously receive and have; the said

*William Burgess, —*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen,  
taken and carried 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0301

BOX:

218

FOLDER:

2149

DESCRIPTION:

Burton, Charles

DATE:

05/21/86



2149



Witnesses:

*Charles Martin Robt.*

*12th Precinct*

*J.M.R.*

Counsel,

Filed 21 day of May 1886.

Pleads *Not Guilty* (24)

THE PEOPLE

vs.

*Charles Burton*

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

RANDOLPH B. MARTINE,

*21st Precinct* District Attorney.

*Ind*

A True Bill.

*William H. Kennel*

Foreman.

*Pr May 21/87*  
*Jud. Accepted.*

0302

0303

Sec. 198—200.

CITY AND COUNTY {  
OF NEW YORK, { ss

5 District Police Court.

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

Question. What is your name?

Answer.

*Charles Burton*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*N<sup>o</sup> 266 First Avenue about 3 years*

Question. What is your business or profession?

Answer.

*Driver*

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 dont remember anything about it. I was under the influence of Liquor*

*Charles <sup>his</sup> Burton*  
*mark*

Taken before me this

day of

*May*

188

Police Justice.

0304

Police Court District.

THE PEOPLE, &amp;c.,

ON THE COMPLAINT OF

Charles R. Rott  
Charles R. Rott  
Charles R. Rott

Offence Assault on Officer

2  
3  
4

Dated May 18 1898

Magistrate

Officer

Precinct

Witnesses

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

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 R. Rott

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 May 18 1898 J. H. Thompson Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.



0305

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

Matthew Roff

of No. 12<sup>th</sup> Precinct Street, aged 52 years,

occupation Police Officer being duly sworn deposes and says,

that on the 19 day of May 188

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

(now here) did assault and beat  
deponent while in the discharge of  
his duty at the foot of East  
117<sup>th</sup> street at about the hour of  
2<sup>30</sup> o'clock P.M. of the above date  
by casting a stone then and there  
held in his hand at deponent.  
said stone striking deponent on the  
back of the head and causing a cut  
on deponent's head. Deponent therefore  
swears that the said Charles Burton

Sworn to before me, this

188

day

Police Justice.

0306

May be dealt with as the law directs  
Sworn to before me  
this 18<sup>th</sup> day May 1888  
J. Sturges  
Police Justice

Matthew Robb

Police Court, District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

0307

**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 Burton*

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

*- Charles Burton -*

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

The said *Charles Burton*.

late of the City and County of New York, on the *seventeenth* day of  
*May* —, in the year of our Lord one thousand eight hundred and  
eighty*six*, with force and arms, at the City and County aforesaid, in and upon one

*- Matthew Add. -*

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault; and the said

*Charles Burton* —

with a certain *stone* — which *he* the said

*- Charles Burton -*

in *his* right hand then and there had and held, the same being then and there a  
*stone* — likely to produce grievous bodily harm, *him*,  
the said *Matthew Add.*, then and there feloniously  
did wilfully and wrongfully strike, beat, *cut*, — bruise and wound,  
against the form of the statute in such case made and provided, and against the peace  
of the People of the State of New York and their dignity.



0308

SECOND COUNT:

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

*Charles Austin* —

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

The said *Charles Austin*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon one *Matthew Adde*, —

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault: and the said *Charles Austin*,

— *with* the said *Matthew Adde*,  
with a certain *stone* —  
which *he* the said *Charles Austin* —

in *his* — right hand then and there had and held, in and upon the  
*head* — of *him* the said  
*Matthew Adde*, —

then and there feloniously did wilfully and wrongfully strike, beat, *cut*, —  
bruise and wound, and did then and there and by the means aforesaid, feloniously,  
wilfully and wrongfully inflict grievous bodily harm upon the said *Matthew Adde*,  
*Adde* to the great damage of the said *Matthew Adde*,  
against the form of the statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

~~RANDOLPH B. MARTINE,~~

~~District Attorney.~~

0309

*Third* COUNT. [Sec. 280, N. Y. City Consolidation Act of 1932.]

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

*Charles Burton*

of the CRIME OF USING PERSONAL VIOLENCE UPON A MEMBER OF THE POLICE FORCE, WHEN IN THE DISCHARGE OF HIS DUTY, WITHOUT JUSTIFIABLE OR EXCUSABLE CAUSE, committed as follows:

The said *Charles Burton*,

late of the City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the

City and County aforesaid, with force and arms, in and upon one *Matthew Adde*,

being then and there a member, to wit: a *patrolman* of the

police force of the City of New York, and then and there being in the discharge of his duty as such

*Adonis* and *Adonis* unlawfully did make an assault, and did then and there unlawfully, wilfully and without justifiable or excusable cause, use personal violence upon the said

*Matthew Adde*, so being in the discharge

of his duty as aforesaid, and him the said *Matthew Adde*,

did then and there unlawfully and wilfully strike, beat, wound and illtreat; against the form of the

Statute in such case made and provided, and against the peace of the People of the State of New

York, and their dignity.

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY.