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BOX:

304

FOLDER:

2897

DESCRIPTION:

Packenham, Patrick

DATE:

04/24/88



2897

POOR QUALITY ORIGINAL

0003

Adm'n
C. H. Burgess
C. H. Burgess

Counsel,
Filed: 24 day of April 1888
Pleads, *Not guilty - with leads*

THE PEOPLE
vs
Sathide Pachenham
Oct 25 Part 2

[Section 188, Penal Code.]

H. 4 JOHN R. FELLOWS,
Nov. 9, 1888 District Attorney.
Tried and convicted of murder first degree
A True Bill.

J. J. Berry
Nov 12 1888
Jury of Meas
Nov 14 1888
April 23 1888

Witnesses:
Officer Wm Cairns
W. P. Puch
Robert Pachenham
227 Nov 12 1888

...



City of New York Recorder's Chambers

New York Oct 20 1888

Genl Depeaux

The People

Packingtonham

Murder

Dr Sir. Herewith send you
my check & the original
request to change in the
above case which you may
will please file & not
permit to be taken from
the files - by any one but
Mr Beard the stenographer

POOR QUALITY
ORIGINAL

0006

~~Dear~~ for the pleasure
of having a piece of them
present to the friends

Yours truly

Thomas

Mosby
Cousin

0887

Dictated.
G.B....S.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

January 5, 1889.

Hon. John R. Fellows,

District-Attorney,

New York City.

Dear Sir:

In anticipation of an application for Executive clemency which may be made on behalf of Patrick Packerham, who was convicted of murder first degree in the County of New York, and sentenced in November 1888 to be executed, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial together with your opinion of the merits of the application. Will you also inform the Governor of any matters having a bearing upon this case which have come to your knowledge since Packerham's conviction?

I am,

very respectfully yours,


Private Secretary.

POOR QUALITY
ORIGINAL

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People
at
Patrol Packham

known

July 17/89

J. R. G.

POOR QUALITY
ORIGINAL

0009

Dictated.
G.B....S.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

January 5, 1889.

Hon. Frederick Smyth,
Recorder,
New York City.

Dear Sir:

In anticipation of an application for Executive clemency, which may be made on behalf of Patrick Packerham, who was convicted of murder first degree in the County of New York, and sentenced November 1888 to be executed, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial together with your opinion of the merits of the application. Will you also inform the Governor of any matters having a bearing upon this case which have come to your knowledge since Packerham's conviction?

I am,

very respectfully yours,



Private Secretary.

District Attorneys Office
City & County of
New York

People v. Pat. Packenham
Witnesses

(A) to the state & Court before ^{Sept.} Hillip -

- 25-001 ✓ Officer Fagan - 16th Precinct.
- 25-002 ✓ Officer P. ... - 9th Precinct.
- 25-003 ✓ Officer ... - 16th Precinct.
- ✓ Mc Cabe - " "
- ✓ Mc Guiley - 20th "
- Office James Mc ...
16th Precinct

(B) Fact officing -

- July 25 ✓ Robert Packenham - H.D.
- ✓ R. Rich & Cook " "
- ✓ John Pahlman 135 W. 78th Street -
- ✓ Mrs Alice Pahlman 135 W. 28th Street
- ✓ Mary Packenham - 425 W. 30th Street & ... Paper Co 14th Street
- ✓ Dr Gustav Scholer - with Coroner Edmund

Sept 25 ...
Sept 25 ...
Sept 25 ...

County of ...

✓ Pat. Packenham

District Attorney's Office
City & County of
New York

People v. Pat. Packenham
Witnesses

(A) to the state & arrest before killing -

- 2500 ✓ Officer Fagan - 16th Precinct.
- 2800 ✓ Officer ~~Boyle~~ - 9th Precinct.
- 2300 ✓ Officer M. Carris - 16th Precinct.
- ✓ Mr. Caber - " "
- ✓ Mr. McGuire - " "
- ✓ Officer James McGuire - 16th Precinct.

(B) Fact officiating -

- July 25 ✓ 7. Robert Packenham - H.D.
- ✓ 8. Richd Cook " "
- ✓ 9. John Sahlman 135 W. 78th Street -
- ✓ 10. Mrs Alice Sahlman - 135 W. 28th Street
- N.Y. ✓ 11. Mary Packenham - 425 W. 30th Street
- ✓ 12. Dr. Gustav Scholer - with Coroner Edmund

July 25 ✓ 13. ...
July 25 ✓ 14. ...
July 25 ✓ 15. ...

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July 25 ✓ 100. ...

212

Officer Robert J. Tague, 16th Precinct.
I had a man with ^{other I believe name: 9th Precinct} a reputation, all find
(out his name)
was called in by prisoner's son
on Sunday night, before the murder
about 10:30 - PM =

I let the prisoner alone in the
hall of his house - there was
blood on his face. I asked him
who struck him he said
a man in the back room -
A man ^{Al Pohlman} then came out of the
back room and told me in
presence of the
prisoner and his wife and
Robert Packerham and Al
Pohlman that he struck him
in self defense - that prisoner
had a attempt to enter his
rooms - and had a attempt to
to strike him with the pitcher.
That he Pohlman had got the
better of him and had struck
him with the pitcher.

I then asked Al Packerham
what was the trouble she
said her husband had
threatened to kill her
and had tried to throw
her son Robert out of the

window - She said she would
make a complaint at pris-
on - I told him, in his room
that he would have to go to the
Station House; he sat down
on a sofa and put up his
hands in a pleading manner
and asked her to forgive him
that he would do what
was right and not give her
any more trouble - She said
well in the name of God
apiece I'll forgive him
to night. Her son Robert said
Yes, you are forgiving him
to night and the chances
are he will cut your
throat before morning
She says well if he does I
cant help it - I have only
got to die once -
I said I can't lock him up
as long as you wont make
a complaint -

I took Peckenham into his bed
room he got into bed and took my
hand in his & promised me
he would not make any
more trouble -
I went off my beat at 12 M.

0894

Officer Thomas McGuire, 16th Precinct

at 28th 1887 I was called in
by Packerham on about 2.30
in the morning - ~~by him~~

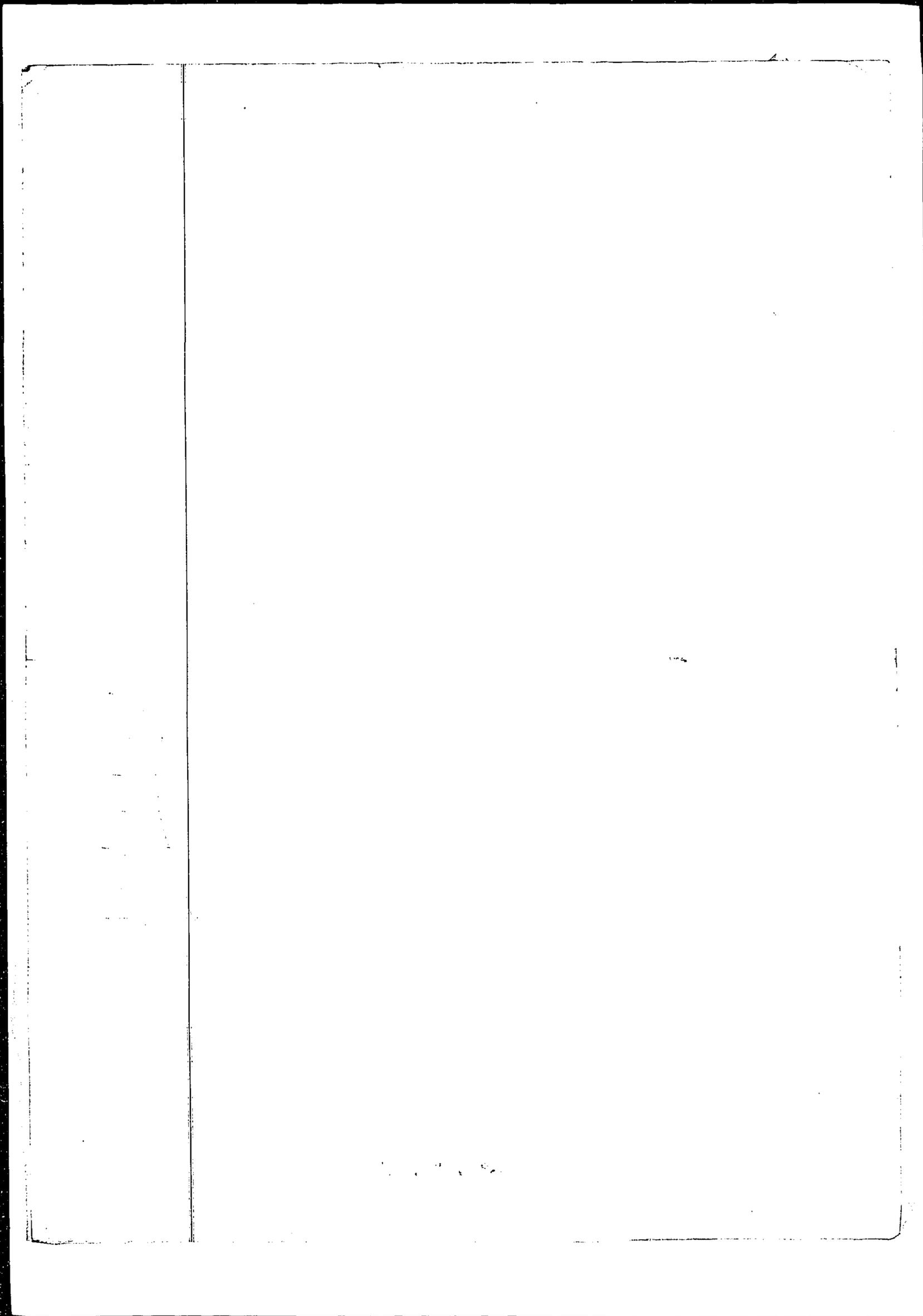
~~Officer Nipm~~ I went up there
and saw prisoner - we had to
break in - the boy did it -

He fought with us -
His wife told me in prisoner's
presence that he had threatened
to kill her -

He said she was no
good - said she was a
bad woman -

Upon this complaint I took
him to the station - and the
next morning before judge
Gorman and he ceased make
complaint upon which he
sent to the penitentiary for
18 months in default of \$300
Bail for his good behavior

0895



0896

Officer Robt Mc Guley 20th Precinct

On the morning of April 2 1888 I was
standing on corner 7th Ave between
27th & 28th Street -

I heard cries of murder
I ran to corner 27th & 7th Ave
& met Robt Peckham -
He told me his father had
cut his mother's throat -

I grabbed him - & ran to
212 W. 27th - went up stairs -
& got to the head of the stairs
4th floor & saw deceased lying
in Mrs Pahlman's room in a
pool of blood -

I went to Peckham's room -
found door locked - I broke
the door in and found Peckham
standing in the bedroom
door - in his under shirt & drawers
blood on his shirt & drawers - ^{and}
on his hands - and face - It was
also on the table and mantel
piece - and on the floor - and all
through the hall -

I grabbed him - I said "you are
after killing your wife" "The murder"
no reply -

0897

2.

We had a struggle to get him down
stairs - Officer ^{J. McCabe} Carris came
helped me - took prisoner to
Station

End

Corroborates Officer Carris as to
what took place on the way to
the Station -

When he had killed his wife
he said he didn't care -

0898

Officer McCabe - 16^c Precinct -

On April 2, about 11^o Am., I was on 8th Ave & 27th Street. I heard cries of murder on 27th St.

I went up 27th St. met Pakenham, asked him what the trouble was: told me about murder -

Trapped Blumie - ran to 212 and at the door met Officer McGuirey - went up stairs to Pakenham where Mrs Pakenham lay -

McGuirey went to Pitkin - Cairns & Lynch came after me -

I searched the rooms of the prisoner and found razor in the room near the stove - handle of razor broken - blood on razor -

I was there when Dr Sheldon N.Y. Hosp. came - The woman was then dead. She was gasping when I first saw her. Clothes in ~~front~~

POOR QUALITY
ORIGINAL

0899

The People

M.

Packings have

Readers Charge

Selected items
see file also 20/88

AS

Jan Dec: 21/88

Peoples
vs.
Richardson

457

T H E C H A R G E .

Gentlemen of the Jury:

This is one of the most important cases which you, as jurors, could be called upon to determine. A case involving the fearful consequences which this does, is one which commends itself to the careful attention of a jury, because this man's life or liberty is at stake. If it is true, as claimed by the prosecution, that the defendant deprived his wife of her life without any justification, he has committed one of the worst crimes that has, in all probability, been brought to your attention as jurors. If he committed this crime while he was in a state of sanity, that is, while he was in such a condition as to be able to comprehend the difference between right and wrong, in respect to the act which he concedes he did commit, then, gentlemen, he undoubtedly has forfeited his life. You and I must lay aside all sympathy, either for the deceased on the one side or for the defendant on the other; we should not permit our judgment to be warped by any feeling of sympathy whatever. You swore that you would determine the question of the defendant's guilt or innocence upon the evidence. To go outside of that evidence would be a gross violation of your duty as jurors.

I have every reason to believe that you will approach the discharge of the solemn and important duty devolving upon you, as honest, conscientious and courageous men, and that whatever result you arrive at in this case, will be satisfactory to your own consciences, and will vindicate the law of this State.

I regret to say, that this is one, of many cases of homicide, which I have been called upon to try during my connection with this Court, -- if the evidence is true, and the defendant was sane at the time he committed this act, the crime is one of almost unparalleled atrocity. We ought, however, lay aside all prejudices which may possibly be engendered by the act which was perpetrated, and the manner in which it was perpetrated by the defendant, and we are to be solely guided by the evidence and the law applicable to the case.

You must have observed, during the progress of this case, how humane the criminal laws of this State are. Every juror, before he was accepted and sworn, had to answer satisfactorily that his mind was free from all prejudice, and that he was prepared to hear the evidence and to render a verdict upon that evidence, and upon that alone. The law gives him the right to a fair and impartial jury. It gives him the

right to the assistance of counsel. That has been done in this case, and I am free to say that the duty of counsel has been well and faithfully performed. The law also gives him the right to sufficient time for preparation, and, in this case, he has had ample time. It gives him the right to be confronted by the witnesses who are to testify against him. It gives him the right to have the process of the Court, to compel the attendance of his witnesses. It gives him the benefit of every reasonable doubt arising upon and out of the evidence, and it accords to him the presumption of innocence, and it declares that that presumption is to continue down to the very moment when the jury come to a contrary conclusion. The law throws around the person of every one accused of a criminal act, all these means of protection, and this defendant has had the advantage of all these safeguards.

The charge contained in this indictment is that of murder in its first degree. Under this indictment, unless that degree of crime is established to the satisfaction of the jury beyond all reasonable doubt, they may convict of murder in the second degree, or of manslaughter in the first degree. But, unless the evidence fails to satisfy the jury of guilt of the highest degree of crime beyond a reasonable doubt, the jury have no right to convict of a minor or lesser degree of

crime.

Our Statute defines the various grades of homicide with very great clearness, and any intelligent man who desires to understand the statutory definition of homicide can have little trouble in doing so, by paying attention to its provisions, which I am now about to call your attention to.

Homicide, the Statute provides: "is the killing of one human being by the act, procurement or omission of another," and it is either:

- "1. Murder;
2. Manslaughter;
3. Excusable homicide, or
4. Justifiable homicide."

If the homicide is either excusable or justifiable, the defendant has committed no crime. It is not claimed in this case, nor could it be upon the evidence, that the homicide is either excusable or justifiable, and it is conceded that these two degrees of homicide are entirely out of this case.

"Homicide is excusable" the Statute says "when committed by accident, and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act, by lawful means, with ordinary caution, and without any unlawful intent"

0904

461

Justifiable homicide, so far as it is applicable to this case, "when committed in the lawful defence of the slayer, or of his or her husband, wife, parent, child, brother, sister, master or servant, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony, or to do some great personal injury to the slayer, or to any other person, and there is imminent danger of such design being accomplished; or

In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling or other place of abode in which he is."

It is clear that this case does not come within the statutory definition of either excusable or justifiable homicide. The Statute declares that homicide not being excusable or justifiable is either murder or manslaughter.

It is conceded and proved beyond all question, that, on the second day of April, between one and two o'clock in the morning, that this defendant inflicted a wound upon the deceased, the nature and extent of which has been explained to you by the Coroner's Deputy; that the wound was inflicted with a deadly and dangerous weapon, and that the deceased died in consequence of the wound so inflicted by him upon her. He has therefore committed a homicide; that is, in the language

of this Statute, the killing of one human being by the act of another human being, the defendant.

Was this homicide of the grade of murder in either of its degrees, or, if not murder, was it manslaughter in the first degree, it being conceded by the defendant's counsel, that the facts do not bring the case within the statutory definition of manslaughter in the second degree?

The Statute defines murder in the first degree to be, "the killing of a human being, unless it is excusable or justifiable" -- "from a deliberate and premeditated design to effect the death of the person killed, or of another."

Murder in the second degree, the Statute defines as follows: "Such killing of a human being is murder in the second degree, when committed with a design to effect the death of the person killed, without deliberation and premeditation". You can readily see the distinction between the two degrees of murder. In the first, there must not only be an intent to kill, but there must be proof establishing deliberation and premeditation on the part of the defendant preceding the act of killing; while in the second degree there must be an intent to kill, which intent is not preceded by deliberation and premeditation on the part of the defendant.

This defendant concedes, and the proof establishes the fact beyond a question, that he deprived the deceased of

her life, without any legal excuse or justification for so doing; and, if the case rested there, then the question and the only question which you would be called upon to determine would be: what grade of murder or manslaughter did the defendant commit?

He interposes the defence of insanity, for the purpose of relieving himself from the position which he at present occupies. He does not claim that he is now insane; nor does he claim that he was insane prior to the time he played cards with the boy, if I understand his evidence clearly. But he does claim that, at the time he committed the homicide, that is, at the time he deprived his wife of her life, he was then insane. This is an affirmative defence, one which the law requires should be established by evidence satisfactory to a jury.

The Statute provides, that a child, under the age of seven years is not capable of committing a crime, that an act done by a person who is an idiot, imbecile, lunatic or insane, is not a crime, and that a person cannot be tried or sentenced to any punishment, or punished for any crime, while he is in a state of idiocy, imbecility, lunacy or insanity, so as to be incapable of understanding the proceedings or making his defence. The latter portion of that Statute applies to a case of present insanity; that is, if this defendant was now

insane, to such an extent that he was incapable of understanding the proceedings taken against him, or making his defence, he could not be tried.

The first part of the section, which is the part which I propose to impress upon your memory as applicable to the defence is: "An act done by a person who is an idiot, imbecile, lunatic or insane person is not a crime." "A person is not excused from criminal liability as an idiot, imbecile, lunatic or insane person, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason as either, first, not to know the nature and quality of the act that he was doing; or, second, not to know that the act was wrong." The mere fact that a person is an idiot, imbecile, lunatic or insane person does not relieve him from the consequences of his criminal act, unless he was laboring under such a defect of reason, at the time that he committed the alleged criminal act, as either not to know the nature and quality of the act that he was doing, or not to know that the act was wrong.

Another provision of the Statute, to which I desire to call your attention in this connection is that a person is presumed to be responsible for his acts, and the burden of proving that he is irresponsible is upon the accused person, except as otherwise prescribed in this Code.

So we start, in this case, with the presumption that this defendant, at the time that he perpetrated the act which resulted in the death of the deceased, was legally responsible for his act, and the burden of establishing his irresponsibility rests upon him, to a certain extent -- an extent that I will explain to you hereafter.

The claim on the part of this defendant, is that at the time that he committed this act, the killing of this woman he was laboring under such a defect of reason as either not to know the nature and quality of the act that he was doing, or not to know that the act was wrong. He also claims in this connection that, at this time, he was laboring under the effects of intoxication, brought on by himself; that is, that he himself, voluntarily drank liquor to such an extent that it impaired and prevented the use of his reasoning faculties. ^{The} Statute says in reference to voluntary intoxication "No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition; but, whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time in determining the motive, purpose or intent with which he committed the act."

I will now call your attention to what the law of this State is, as laid down by the Court of Appeals. I refer to the case of Kenny against The People.

"The prisoner is a car driver. On the night of the 21st of April, at 8 o'clock, with his wife and two children, he entered the grocery store of Frederick Mohrmann, at the corner of Fulton and Albany Avenues in the City of Brooklyn, and purchased some groceries for his family use. While there he commenced speaking about some railroad conductor, with whom he had a quarrel about two hours previous. His wife said the conductor was a nice man, and did not want to do him any harm. He told her, in an angry tone, not to interfere in his business, and be quiet, otherwise he would punch her. He thereupon struck her in the face and kicked her. Mohrmann came from behind the counter, and told him to leave the store -- that he wanted no fighting, and, if he did not stop, he would put him out. Kenny said he could not put him out. Mohrmann made the attempt and failed. He thereupon called the witness, Rink, to assist him, and by their joint efforts he was removed from the store to the street, and the door locked, and while this was being done, he declared he would kill the Dutch son of a bitch, meaning Mohrmann. The prisoner then threw stones through the windows and door of the store, and said he wanted his two children. The door was opened by Mohrmann

and the children put out in the street and the door closed again. He also threw coal, a coal shovel, a measure, and, with a stone of about twenty pounds weight, smashed open the door, and came into the store. Here he took up a saw, and a piece of ham and threw them at Mohrmann, and struck him with them. The prisoner went again into the street, and the door was again shut against him. He broke in the door once more, and came into the store. There was in the store what the witnesses called a meat bench, upon which was lying a large knife. The prisoner seized this knife and struck the bench once, then rushed into the room behind the store, where he met the deceased, John Ravensburgh, a person residing with Mohrmann at the time, and with whom the prisoner had no words or controversy, and struck him three blows or thrusts with the knife, two of which entered the chest, and the other one the abdomen of the deceased, who died therefrom almost instantly. The prisoner at once became quiet, consulted with his wife where he should go, and as to the best means to escape. She recommended him to go to East Brooklyn, and he left the scene of the murder, going in that direction, after telling his wife that if any policeman made inquiry, to say he had not been about there that night. The proof leaves little doubt that the prisoner was in a state of intoxication, more or less at the time, but otherwise was in the full possession of his

senses, and quite conscious of what he was doing. There was also proof to show that, while sober, he was a civil man, but, when drunk, unusually vicious."

I have read the statement of facts in the case of Kenny to you so that you may be able to distinctly understand what the law of that case and the law applicable to this case is: The trial Court instructed the jury, among other things "That voluntary intoxication furnished no immunity nor excuse for crime; that even where intent is a necessary ingredient in the crime charged, so long as the offender is capable of conceiving a design, he will be presumed, in the absence of proof to the contrary, to have intended the natural consequences of his own act, and when one, without provocation kills another with a deadly or dangerous weapon, no degree of intoxication, short of that which shows that he was at the time utterly incapable of acting from motive, will shield him from conviction. "

That is the law of this State applicable to this case. Voluntary intoxication, is no defense whatever to crime; and, therefore, unless the intoxication, if you do find that this defendant was intoxicated, went to the extent of completely preventing him from the exercise of his mental functions, and understanding what he was about to do when he

committed the act, it furnishes no defence or excuse whatever. In other words, or in the language of this case, "no degree of intoxication, short of that which shows that he was at the time utterly incapable of acting from motive, will shield him from conviction."

Has this defense been sustained? If it has and the proof satisfies you that at the time that he perpetrated the act, he was in such a mental condition as to be incapable of knowing what he was doing, or of knowing that the act which he did commit was a wrongful act, he is not guilty.

On this question you must take the testimony of the defendant himself, that of his son and that of the telegraph boy, as well as the testimony of all the other witnesses who have been examined on both sides, including the medical evidence tending to show the actions and conduct of the defendant during Saturday night, and down to the time he committed the homicide. My recollection, gentlemen, of the testimony bearing upon the question of intoxication is substantially this: The defendant came home from the Island, where he had served a term of imprisonment for four months; during that time he was entirely free from the effects of intoxicating liquors. No liquor was furnished to him there, and he drank none. He worked every day at his trade while upon the Island, when work was to be done, or when the weather permitted. He came to

this City, and he met his son. He went with his son to his house. He spoke to his children. Everything that he has done down to that point is conceded to be perfectly rational. He went to bed that night. He got up the next morning. He sent one of his children out for beer and a newspaper and he gave her the money to get both. He drank the beer in the ordinary way. He drank one or two pints, and the evidence in this case does not show, if I am correct, -- but I leave it entirely to you -- that there were any more than three pints of beer drank or four pints at the outside, by this defendant on this occasion to which I am now referring. There is evidence tending to show that he drank, prior to that time, strong spirituous liquors at various places. He has told you what and how often he drank, what he paid for the drinks, the places or some of them where he drank, and that he got to his home, and that he does not exactly know how, -- whether he was assisted or not, -- but he got there, that he had \$1.25 which he collected from McCarthy, for whom he had been working before he was sent to the Island.

About half past nine o'clock at night, a part of the family being in the rooms of the defendant, and part of them being in the rooms of Mr. Pohlmann adjoining, he got into a difficulty with Mrs. Pohlmann. Some words passed between

them in the hall. After attending to her business she returned to her own rooms, and shortly after doing so the defendant knocked at her door and when it was opened he threw a pitcher of water upon her. Then a difficulty occurred between Mr. Pohlman and the defendant, and there was a struggle for the possession of the pitcher. In the scuffle between those two men, in the hall, the pitcher was broken, and the defendant received a slight wound upon his head, causing him to bleed to a considerable extent. A policeman was then called in. I will not refer further to the scenes which were enacted on those occasions, leaving it to you to say whether or not on the occasion when the policemen came in, the defendant was suffering from insanity to such an extent as not to know thoroughly what he was doing on those occasions. The evidence shows that he went to bed and his son, his wife and a telegraph boy came into the rooms. The defendant left his bed in the rear room, went to the middle of the room where his wife was and addressed some language to her which it is unnecessary to repeat, and then sprang upon his wife, caught her by the hair, pulled her head down, and then inflicted the terrible wound upon the back of her neck which resulted in her death. He was then arrested. He resisted and was taken by force down the stairs to the street and thence to the station house. He was arraigned before the Sergeant in charge and gave truthful

and intelligent answers to every question which the sergeant of police propounded to him.

The question for your determination is: Was he, at the time he committed the homicide laboring under such a defect of reason as not to know the nature and quality of the act that he perpetrated, or not to know that the act was wrong? If he was, he has committed no criminal offence, and you must acquit him. If, however, you come to the conclusion that that defence has not been sustained, and sustained as fully as the law requires that it should be, the defence must necessarily fall to the ground. Bearing upon the defence of insanity, I will only trouble you further by reading from a charge delivered by Chief Justice Davis:

On the subject of insanity he said: "The Courts of this State have laid down with great distinctness the law, to which I shall now call your attention, and, that I may make no mistake on the subject, I shall read to you from the opinion of the Court of Appeals what I intend to charge you as to what the law of insanity is in this State."

"This opinion" he says "was pronounced in a case of murder. The Court below had charged that, to establish a defence on the ground of insanity, it must be clearly proven that, at the time of committing the act, the subject of the indictment, the party accused, was laboring under such a de-

fect of reason, of disease of the mind, as not to know the nature and quality of the act that he was doing; and, if he did know it, that he did not know that he was doing wrong."

He then quoted the case of the People vs. Bodine, in which the law was laid down that: "Where insanity is interposed as a defence to an indictment for an alleged crime, the inquiry is always brought down to the single question of a capacity to distinguish between right and wrong at the time the act was done."

"It must be regarded as the settled law of this State, that the test of responsibility for criminal acts, where unsoundness of mind is interposed as a defence, is the capacity of the defendant to distinguish between right and wrong at the time of and with respect to the act which is the subject of the inquiry."

That is the law of this State in respect to this defence, and is the law by which you will be governed in determining the question of whether the defence, which has been interposed here, has been established or not.

Assuming, and it is a mere assumption on my part, that you will find adversely to the defendant upon this defence, you will then consider the evidence for the purpose of determining whether the defendant is guilty of murder in either the first or second degree, or manslaughter in the first

degree ^{was} the act of killing from a deliberate and premeditated design to effect the death of the deceased? Again I invite your attention to this case of the People against Walworth, where the terms, deliberation and premeditation received from Chief Justice Davis a judicial construction.

He says:

"The deliberation and premeditation required to constitute murder in the first degree is something quite different from the actual presence of the intention formed at the instant of the striking of the blow or the firing of the shot. It is essential that it should appear in a case where the offence charged is murder in the first degree, under this Statute, that there was some actual pre-deliberation and premeditation in and upon the mind of the accused in respect to the subject matter of the offence before the actual occurrence of the act which was alleged to be the crime."

As to the time necessary to deliberate and premeditate. I call your attention to one or two cases in the Court of Appeals. "If that Court says the killing is not the "instant effect of impulse, if there is hesitation or doubt "to overcome, a choice made as the result of thought, however "short the struggle between intention and the act, it is sufficient to characterize the crime as deliberate and premeditated murder."

"Under the Statute, there must be not only an intention to kill, but there must also be a deliberate and premeditated design to kill. Such design must precede the killing by some appreciable space of time, but the time need not be long. It must be sufficient for some reflection or consideration upon the matter and the choice to kill or not to kill, and for the formation of a definite purpose to kill. The human mind acts with celerity which it is sometimes impossible to measure, and whether a deliberate or premeditated design to kill was formed, must be determined from all of the circumstances of the case."

For the purpose of establishing motive on the defendant's part. It is claimed on the part of the People that the defendant for a series of years, had treated the deceased with more or less brutality, that he was frequently arrested for assaults perpetrated by him upon her, or for gross intoxication and the use of abusive language towards her, that he was sometimes fined, but, in a number of cases, upon the application of his wife, and the withdrawal of the charge by her and his promise of better conduct towards her, he was discharged; that finally he was arrested for an assault perpetrated upon her, and was convicted and sentenced to imprisonment in the penitentiary for a period of four months: that he had, on other occasions, threatened to kill his wife, and that, al-

though he claims that he was a loving and affectionate husband and a good father, there is this evidence tending to show that at least, he was a man in the habit of indulging in intoxicating liquor, and resorting to acts of violence towards his wife and family. It is also claimed that he deliberated upon the act; that he provided himself with the weapon which he used upon this occasion for the purpose of perpetrating it; that he approached his wife slowly from the bedroom and conversed with her, having this weapon hidden behind his back; that he then approached her rapidly, from a point indicated on the diagram by the witnesses; that he seized her by the hair and inflicted the wound, in the manner which the witnesses have described, the telegraph boy and defendant's son.

If the claim of the prosecution is proved, the facts have a bearing upon the question of deliberation and premeditation. Upon the question of intent, that is, the intent to deprive the deceased of her life, you have also the right to take into consideration those facts, if they be facts, to which I have referred; and, in addition to these facts, the character of the weapon which was used, the part of the body upon which and the manner in which it was used by the defendant, and the result which was accomplished by the use of the weapon.

The law presumes that every sane man intends the ordinary and natural consequences of his acts; if a man, armed with a dangerous and deadly weapon, approaches another and uses it against a vital part of the body of that person, and death ensues, in the absence of any explanation to the contrary, the law will presume that he intended to commit the act which he has committed.

If you come to a conclusion, upon all of the evidence in this case, that there was not deliberation and premeditation on the part of the defendant preceding the act of killing, the next question for you to determine will be whether he formed an intent to kill, and, acting upon the formation of that intent, did kill the woman without premeditating or deliberating upon the act of killing, he is guilty of murder in the second degree, and not of murder in the first degree.

To constitute murder in the second degree, the Jury may find, if the evidence will warrant them in doing so, that, at the very moment of inflicting the wound, the defendant intended to kill. If they so find, it is sufficient to constitute murder in the second degree.

If you come to the conclusion that neither murder in the first or second degree as I have defined these crimes has been perpetrated, the next question will be: does the alleged crime come within the statutory definition of man-

slaughter in the first degree? and, before calling your attention to the statutory definition of manslaughter, it is proper for me to instruct you as to the difference between murder and manslaughter. Murder must be preceded by an intent to kill, while manslaughter is the killing of a human being without an intent to kill.

"Such homicide" the Statute says "is manslaughter in the first degree, when committed without a design to effect death.

By a person engaged in committing, or attempting to commit a misdemeanor affecting the person or property either of the person killed, or of another."

It is not claimed that this case comes within that subdivision of the Statute. It is claimed that it comes within the subdivision which I am now about to read to you:

"In the heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon."

It is claimed that this case may go to you under that subdivision of the Statute.

I have given you the definitions of homicide, I have instructed you in reference to the defence of insanity. The instructions which I have given you are based upon the decisions of the Court of Appeals of this State, which is the law by which you are bound, and you are required to take the rules

of law from me, without attempting to question their correctness, and apply them to the facts.

The defendant is entitled to what the law calls a reasonable doubt. A reasonable doubt is a doubt which arises out of the evidence in the case, and is such a doubt as honest, conscientious and painstaking men may entertain upon a given state of facts. The law does not require the District Attorney to establish guilt beyond all doubt, because that would be requiring him to do an impossible thing. It does, however, require that he shall bring home guilt to this prisoner, by satisfactory evidence, and beyond a reasonable doubt. When he has done that, he has complied with the requirements of the law.

If, after a careful examination, which I know you will give to the evidence in this case, you come to the conclusion that there is a reasonable doubt of the defendant's guilt of the offence charged in the indictment, it will be your duty to give him the benefit of that doubt, and to acquit him. Unless he was in such a mental condition at the time that he perpetrated the act, as to be incapable of comprehending its nature and quality, he was not in a condition in which he can be held criminally responsible for the crime of murder in the first or second degree, because it requires deliberation and premeditation and intent. But, if you come to the

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conclusion beyond a reasonable doubt, that, although he was intoxicated at the time he committed the act, he had sufficient control over his mental powers to enable him to distinguish between right and wrong, in respect to the act which he committed, he is responsible for his acts. If you come to the conclusion that there is a reasonable doubt as to his guilt of murder in the first degree, and no reasonable doubt that he is guilty of murder in the second degree, the law says it is your duty to give him the benefit of that reasonable doubt, and convict him of the lesser degree of murder, instead of the greater, and if you come to the conclusion that he killed the deceased without a design to effect her death by means of a dangerous weapon, he is guilty of manslaughter in the first degree, and it will be your duty to convict him of that degree of homicide. I now submit this case to you, adding that the public prosecutor has performed his duty, and the counsel for the defence have also performed their duty fully. All the evidence has been laid before you, and is now in your possession, and upon you rests the responsibility of determining this case in the way which the law requires that it should be determined.

Your verdict in this case will be either guilty of murder in the first degree, guilty of murder in the second degree, guilty of manslaughter in the first degree, or not guilty

on the ground of insanity. The case is now with you.

Mr. Purdy: If your Honor please, has your Honor called the attention of the jury to the fact that reasonable doubt as to the question of sanity ----

The Court: I said that he is entitled to the benefit of every reasonable doubt as to all of the facts.

Mr. Purdy: The burden of proof is on the prosecution to show that he was not insane.

The Court: I told the jury and I say now, gentlemen, if the case rested upon proof that defendant killed the deceased, that then the defendant was guilty of homicide in one of the degrees, and then I instructed the jury in reference to the defence interposed here. I instructed them as to the defence of insanity, and what had to be established to their satisfaction to establish that defence. You ask me now to charge further as to the reasonable doubt as to his sanity?

Mr. Purdy: The reasonable doubt as to his sanity.

The Court: And something about the burden of proof?

Mr. Purdy: Yes, sir.

The Court: I will read to you, gentlemen, from a decision of the Court of Appeals:

"Crimes can only be committed by human beings, who are in a condition to be responsible for their acts, and, upon this general proposition, the prosecutor holds the affirmative

and the burden of proof is upon him. Sanity being the normal and usual condition of mankind, the law presuming that every individual is in that state. Hence a prosecutor may rest upon that presumption, without other proof. The fact is deemed to be proved prima facie. Whoever denies this, or interposes a defence based upon its untruth, must prove it; the burden, not of the general issue of crime by a competent person, but the burden of overthrowing the presumption of sanity and of showing insanity, is upon the person who alleges it, and, if evidence is given tending to establish insanity, then the general question is presented to the Court and Jury, whether the crime, if committed, was committed by a person responsible for his acts, and, upon this question, the presumption of sanity, and the evidence, are all to be considered, and the prosecutor holds the affirmative, and, if a reasonable doubt exists as to whether the prisoner is sane, or not, he is entitled to the benefit of the doubt and to an acquittal."

Mr. Kinsley: May I ask permission, your Honor, to take some exceptions?

The Court: I thought there were no exceptions?

Mr. Purdy: I have no exceptions.

Mr. Kinsley: I have some.

The Court: Then you may take them.

Mr. Kinsley: First: An exception to that portion of your Honor's charge where your Honor instructs the jury that if the jury believe that the defendant killed his wife, without justification or provocation, as it is claimed by the People on the evidence, he has committed a horrible crime -- in substance.

Second: I also take an exception to that portion of your Honor's charge, where your Honor says when he committed this homicide, he forfeited his life -- in substance.

Third: I also take an exception to that portion of your Honor's charge, where your Honor says, that if an adverse verdict is arrived at in this case, the defendant should not complain and that this homicide was either murder or manslaughter -- in substance.

Fourth: I also take exception to that portion of your Honor's charge, where your Honor says, that it is conceded, and the evidence shows, that the homicide was committed without excuse or justification -- in substance.

Mr. Kinsley: May I call your Honor's attention to the requests to charge that I gave you?

The Court: Yes, here are the requests.

Mr. Kinsley: I except to the refusal or omission of the Court to charge any of the requests to charge.

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R E Q U E S T S T O C H A R G E .

1.

The prisoner is presumed to be innocent of the offence charged against him.

2.

If the Jury believe there is a reasonable doubt, on all the evidence in the case, as to his insanity absolving from crime at the time he committed the act of killing, he is entitled to the benefit of that doubt, and should be acquitted.

3.

If the defendant has introduced evidence tending to overthrow the presumption of sanity and to show insanity which absolves from crime, the people must satisfy the Jury upon the whole evidence beyond a reasonable doubt that the defendant was mentally responsible or he should be acquitted.

4.

The rule of law "that if the Jury have a reasonable doubt, from the evidence, that the prisoner is guilty of the crime set forth in the indictment, he should have the benefit of the doubt", applies to the sanity of the prisoner as well as to the act itself.

5.

The law does not require that the insanity of mental aberration which absolves from crime should exist for any definite period, and only that it existed at the moment when the act occurred with which the prisoner stands charged.

6.

If the insanity or mental aberration which absolves from crime operated at the moment that the act with which the prisoner is charged was committed, that is sufficient in law to absolve the prisoner from guilt and he cannot be convicted of the offense charged in the indictment or any other offence.

7.

The People must satisfy the Jury beyond all reasonable doubt that the prisoner understood the act at the moment it was committed, and if the Jury find that he did not understand it at the moment he committed it, he cannot be found guilty of the crime charged in the indictment or any other crime, and it is the duty of the Jury to acquit him.

8.

That the People must satisfy the Jury beyond all reasonable doubt that at the moment the act alleged in the in-

dictment was committed by the prisoner, he had reason, perception and understanding sufficient to enable him to discern right from wrong, and that if he had not, it is the duty of the Jury to acquit him.

9.

That the People must satisfy the Jury beyond all reasonable doubt that at the moment the act alleged in the indictment was committed, the prisoner had sufficient reason and will under all the circumstances as they may be found to have proved, to form and have a criminal intent and purpose, and if he had not, the Jury must acquit.

10.

If under the testimony in the case, the Jury believe the defendant was "wholly unconscious at the time" he took the razor and cut the deceased, he was not guilty of a criminal act, and must be acquitted.

11.

If the Jury have a reasonable doubt from the evidence, whether or not he was wholly unconscious at the time, he is entitled to be acquitted.

12.

If the Jury believe from the testimony in the case

that the defendant "did not know what he was doing at the time" of the cutting, he was not guilty of a criminal act and cannot be convicted.

13.

If the Jury have a reasonable doubt from the evidence whether the defendant knew what he was doing at the time of the cutting, he should be acquitted.

14.

It does not make any difference how the defendant received the defect of reason under which he was laboring, if it was such as absolves from crime, under the law he should be acquitted.

15.

And if upon the whole evidence in the case, the Jury have a reasonable doubt whether the defendant was in the mental condition thus described, he should be acquitted.

16.

If the Jury believe the defendant was in a condition of mind which absolves from crime at the time of the cutting, as is claimed for him under the testimony in the case, they should not allow any prejudice or feeling whatever to effect or influence them in rendering a verdict of acquittal.

17.

If the Jury find the killing was done by defendant under an insane impulse, which, at the time, destroyed the capacity to distinguish between right and wrong as to the particular act complained of, the defendant should be acquitted.

18.

If the Jury entertain a reasonable doubt as to whether the prisoner was sane or not when he killed his wife, he is entitled to the benefit of that doubt and to an acquittal.

19.

If the Jury find that the defendant introduced evidence of his conduct on Saturday -- two days preceding the homicide -- and said evidence was not contradicted by the People, corroboration of said evidence is not required by law.

The Jury retired and subsequently returned to the Court-room.

The Court:

Gentlemen: I understand that you desire to have the testimony of officers Cairns and Fagan, in the direct examination, read. The stenographer will read that testimony for you.

(Testimony read by the stenographer).

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Sixth Juror: Will your Honor read the difference between doubt and reasonable doubt?

The Court: I will state it. I said to you that the prosecution were bound to establish the guilt of the defendant, beyond a reasonable doubt, not beyond any doubt or all doubt. It must be a reasonable doubt. A reasonable doubt has been defined to be a doubt arising out of the evidence in the case and nothing else; such a doubt, as honest, painstaking men, after a full, fair and impartial examination of the evidence submitted to them may entertain.

0933

M A R I E A. W I L S O N,
Stenographer & Type-Writer Copyist,
Room 148, Potter Building,
38 Park Row, N. Y.

~~...~~
~~...~~
 Assume: That the prisoner ~~...~~ killed his wife on the 2nd day of April 1888; that he was then a man of about 60 years of age, and ~~apparently~~ ^{apparently} ~~in good~~ ^{in good} physical ~~health~~ ^{health}; was a printer by trade could read and write and had been a married man; that about three days before the killing he came home from the Penitentiary where in the month of November 1887, he had been sentenced for a period of four months for an assault upon his wife; that during the period of his imprisonment he was ~~fully~~ ^{fully} engaged in his occupation as printer, and that previous to ~~that time~~ ^{his imprisonment}, for a period of four or five years he had frequently quarrelled with his wife, beaten her and threatened her life; that on one ^{occasion} he had asked his son Robert for an axe with which to cut off her head; that he was in the habit of getting intoxicated and was then of a quarrelsome disposition; that during the four months of

2.

His imprisonment above referred
 to, he was supplied with red
 liquor whilst in prison ~~and~~
~~had~~ under medical treatment,
 nor complained whilst there,
 of ill health, excepting on two
~~occasions when the doctor dis-~~
~~covered from some work, that~~
 he took and received regularly
 the ordinary prison fare; that
 he was orderly and obedient,
 that he was discharged on
 about March 29th 1855, two or three
 days before the killing and came
 home; that on the evening
 after his arrival there, which was
 Friday, he had no quarrel with
 his wife, or children, but fondled
 and played with his youngest
 son Johnnie; that he was then
 sober, that on the night referred
 to his supper was prepared for
 him and he ate it, and he
 slept with his son Robert and
 a boy named Richard Cook
 in one bed in a separate room;
 that he arose on Saturday morning
 and left the house after having

had his breakfast, that the deceased
 who was a washer woman, also
 went out to work, that whilst
 out that morning the prisoner,
 collected \$1.²⁵ from one McCarthy
 for whom he had worked prior
 to his imprisonment; that during
 Friday and Saturday, the prisoner
 had but few words with his wife
 that during Saturday morning
 the prisoner went out for and drank
 a pint of beer, and was engaged
 reading a newspaper, and that
 he had some beer during the
 day; that he went to bed Satur-
 day night sleeping in the same
 room & bed with Robert and
 the boy Cook; that he had some
 words with the deceased during
 Saturday night; that on the following
 Sunday April 1st the prisoner,
 quarried with the deceased,
 and that during the day and
 up to the time of the killing he
 remained in the house all day
 and had about three pints of
 beer; that during Sunday after-
 noon he was engaged for about

4.

an hour playing game of cards,
 called Euchre, with his son Robert
 who did not understand the
 game, the prisoner stating to me
 that he would play it, that
 whilst this game lasted the
 boy Cook, who was a messenger
 boy, and came in and remained
 some time 15 minutes; that
 the prisoner spoke to Cook
 and asked him whether
 he had any money; that Cook
 replied no, that the prisoner
 replied "that is hell if I place
 you are working in, that you
 can't make any money in";
 that the deceased who had
 gone out during the day to
 work returned about 5 PM;
 that during the evening that
 after she came home the
 prisoner quarreled with the
 deceased and called her a
 "bitch" and a "far
 down bitch", that the deceased
 made no reply; that her son
 Robert interposed and the
 prisoner said to him "why you

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little man in a frock, he would
 you like to be threatened if that
 widow - I don't know you now;
 I have my own duties to attend
 to stay in the house; that the
 prisoner had prior to this time
 made me a request to go to
 work in the following afternoon
 that on the same Sunday evening
 the prisoner started to do some
 work in the house of the doctor -
 that she had sent the doctor,
 out to bring in men for her; that
 later to make and another man
 had come to the house on one
 occasion staying over night; that
 the deceased then washed out of
 the room; that about 9 o'clock
 Sunday evening deceased was
 compelled to seek shelter for
 herself & her small children
 by reason of the prisoner abuse
 & threats; that whilst she was in
 Mrs Pahlman's rooms, which were
 on the same floor as the prisoner's
 rooms, the prisoner came out into
 the hallway and washed up and
 down cursing and using foul
 and abusive language towards

6.

deceased and persons whom he met
that he called Mrs. Pahlman an
English woman; that he was told by
Mrs. Pahlman's husband to keep
quiet; that subsequently he took
a pitcher, ~~went to the door in the~~
~~hallway, filled the pitcher with~~
water, went to Mrs. Pahlman's
room, knocked at the door and
asked for the deceased; that Mrs.
Pahlman opened the door and
was about answering him
when she threw the pitcher of
water upon her; that her husband
stood behind her and came
immediately out of the door, when
the prisoner attempted to strike
him with the pitcher; that a
struggle ensued between the prisoner
and Pahlman for the pitcher in
the process of which the pitcher was
broken; that the prisoner was cut and bruised
about the forehead and had blood
upon his person as the result of
the fight; that Pahlman succeeded
in taking the handle of the broken
pitcher which remained in the
prisoner's hand and threw it downstairs.

7.
 That deceased went out and
 brought in Officer Jagan about
 10.30 P.M. that the latter met the
 prisoner in his room, that the
 officer asked him what was the
 matter, the ^{prisoner} said: "Look at the
 state I'm in, all covered with
 blood" and ~~stated~~ ^{stated} the Pahlwan
 took with the pitcher; that Pahl-
 wan stated in presence of the
 prisoner; that he did it in self
 defence; that the deceased asked
 the officer to arrest the prisoner
 stating that he had threatened
 to kill her many times, and
 had tried to throw her over
 Robert out of the window; that
 she agreed to make complaint
 against prisoner and the officer
 ordered prisoner to put on his
 coat; the prisoner then pleaded
 with the deceased saying "Alaghi,
 'are you going to have me taken
 away from here. If you will let
 me stay here, I will go to work
 in the morning and have no
 more trouble,'" that deceased
 then refused to make complaint,
 she is stating "You are forgiving

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him pronounced before mentioning
 "he will cut your throats"; that
 the affrici left hand in the
 prison in bed where he promised
 taking the affrici hand that he
 would make no more trouble,
 that deceased then went into
 Mr. Pahlman's room, and
 and that on all these occasions
 the prisoner although he had been
 drinking seemed sober and his
 actions ~~as affrici~~ ~~before~~
 were rational, that deceased
 remained in Mr. Pahlman's
 room until about 12 o'clock Sunday
 night when the boy Richard Cook
 came home and he and the prisoner
 then went in to see the prisoner and
 found him in his bed room; that
 the prisoner asked them out of
 the room; Cook asked him who
 cut him when prisoner replied:

"Oh, that woman and the pack
 of whores and bastards that live
 in the house. I do not want to
 have anything to do with you
 & Cook"; that between this time
 and about 1.30 in the evening
 of April 2 whilst the deceased and the two

9.

boys were in the kitchen of
 prisoner's rooms the prisoners
 threatened and abused decessed
 that decessed and the boys were
 afraid to go to bed for fear the
 prisoner would ~~kill~~ them in their
 sleep. that a bush 120 ~~men~~ etc
 decessed and her children were
^{also} put out of her room by the prisoner
 and he was compelled to call in
 Officer Cairns, that she asked him
 to arrest the prisoners, that prisoner
 then went upon his knees before
 decessed in presence of officer
 and begged her for god's sake not
 to have him sent back again to
 prison; to give him a chance more
 work; that he had his trust packed
 and was going away in the morning
 that he would leave her and would
 not bother her any more; that
 she decessed said she would give
 him and the chance for god's
 sake and refused to make any
 complaint; that the officer left
 after seeing the prisoner in bed
 and receiving his assurance that
 he would make no more trouble;
 that on this occasion the prisoner

10.

was sober and asked, rationally
 and seemed to know what he was
 doing - that the deceased and the
 two boys then went into the kitchen
 and were talking there with deceased
 when the prisoner about two minutes
 after the affixer had left came into
 the kitchen in his underclothing
 and looking that he asked his
 son Robert to get him a pipe
 and fill it with tobacco, that
 the latter went into the hallway
 as directed by the prisoner, found
 the pipe, filled it with tobacco and
 gave it to the prisoner who lit
 and took a few puffs and laid
 the pipe down; that he then left the
 kitchen and went into his bedroom
 where he kept his trunk, ~~and~~
~~which he had the razor with~~
~~which the killing was done; that~~
 he remained there about 2 minutes
 and then returned to the kitchen
 came over towards deceased as
 far as the middle of the roomth

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#11111111
 deceased "Claffie"
 You have done
 this to
 "let me arrested
 "Claffie" the
 deceased one
 "Claffie" the
 I did not
 not be here
 Now for
 to be safe go
 to be safe don't
 raise any more
 trouble" that
 prison was
 "Claffie" the
 will have to
 and this other
 before go"

~~kept the razor with which the killing was done; that~~
~~he immediately returned to the kitchen, put his pipe~~
~~into an empty cigar box, came over towards deceased as~~
~~far as the middle of the room and then turned around~~
~~and went back towards the hall leading into his bedroom~~
~~that without going into the hall he turned around again~~
~~and came back towards deceased with his hands held be-~~
~~hind ~~xxx~~ ~~xxx~~ him; he stood about five feet from the~~
~~deceased; that his son Robert noticed his hands working~~
~~as if he had something in them; that the prisoner spoke~~
~~to the deceased saying, "Claffie, you have a razor,~~
~~look in your eyes."~~

~~that the prisoner's son Robert then saw for the first~~
~~time the razor glistening in his hands behind him; that~~
~~the prisoner was then about five feet away from the~~
~~deceased who was sitting upon a chair near the window;~~
~~the prisoner's son then jumped up calling to the boy~~
~~Cook to help him, that the prisoner had a razor; that~~
~~before the prisoner's son could reach the prisoner he~~
~~had jumped or run towards deceased; that he caught her by the~~
~~with one hand at the back of her hair as she was rising~~
~~and with the right hand cut the deceased with the razor~~
~~in the back of the neck directly below the left ear~~
~~extending around the back of the neck to the right~~

the prisoner spoke
 to the deceased saying
 "Claffie, you have a razor,
 look in your eyes."

ear, making a wound about an inch deep and penetrating to the spinal column, severing all the blood vessels in that part of the body; that nothing was said by the prisoner or the deceased at this time; that whilst the prisoner was in the act of cutting the deceased his son and the boy Cook were struggling with him endeavoring to get the razor; that they finally succeeded in getting him away from deceased who ran out of the room with both hands ^{exclaiming "I have done it"} at the back of her neck; that the prisoner then caught his son Robert and holding the razor up endeavored to cut his throat; that the handle of the razor was broken in the struggle between the boys and the prisoner and the razor finally knocked out of the prisoner's hand and the boys ran from the room; that the deceased ^{ran through} ~~ran into~~ the hall, ~~knocked upon the door of Pohlman, who arose and let her in; she had a purse in her hand and as she came into the room fell upon the floor on her back and in a few minutes expired,~~

that a few minutes after the killing prisoner was arrested by officer Mc Gilly who broke open the door of prisoner's room to get him; that the officer said "you have cut your wife's throat" that prisoner then made no reply - that subsequently on the way to the station he was told that he had killed his wife & replied that he did not care, that the prisoner persisted in saying that when the officers said "cannot to take him down stairs -"

14

that he gave his name, address, the place where he was born, & stated his business as painter. He stated that he was employed, that he complained to the sergeant that there was no proof that we had used force or that any harm had been done, and would not give him a chhana to find out his brother, that between the hours of 4 & 5 of the same morning when he was in the cell prison, he stated "I can't live off a woman's ass the children have been leering off her back side. While I was away - stated "she kept a home of infamy while I was away" and when asked why he said his wife had said "Why didn't she leave me alone" - I read newspaper and I don't want to answer any questions; that that when the prisoner was about ~~30~~^{30 or 40} years before the killing the prisoner stated he had had

~~max~~ ~~these~~ ~~occasions~~ ~~he~~ ~~was~~ ~~acted~~ ~~by~~ ~~apathetic~~ ~~manners~~

POOR QUALITY
ORIGINAL

0949

11/1/49
Richardson
Hypochlorite
Solutions

Peapler. Pakenham.

Officer Wm Carruth - 16th Precinct -

On April 2 1888 I went on duty at
12 o'clock - 27th Street between 7th
& 10th Avenues.

I About 1.15^{am} pursuant to call
from Robt Pakenham, an apprentice.
I went to house 212 W 27th Street -
I met the deceased at the door,
she said her husband had put her
& the children out - Said he had been
drunk.

She asked me to arrest him
- I went up with the deceased
& the boy Robt. & ~~Robt & Cook~~
Pakenham occupied front
rooms on the fourth floor -
Saw prisoner -

Asked him what he put the
family out for, he said his
wife was a whore, and charged
his son with indecent acts.

Told him that if his wife would
make complaint I would look him
up. His wife said she would.

Told him to put his clothes on.
He got his pants - then got
down on his knees, ^{before his wife} and begged

12

and for God's sake not to look
him up again as he had just
been after serving 4 months on
the Island -

She said "As long as you ask
it for God's sake, she was willing to
do anything"

She then refused to have
him arrested -

I asked him if he would
keep quiet: he said he would - I told
him to go to bed - he did so before I
left.

I told him if I was called again
I would take him out any how -
Promised to keep quiet - said he
had his trunk packed & was going
away in the morning.

He was perfectly sober -

II

About 1:30 PM I was on the corner
of 26th St & 7th Ave -

I heard officer McGinley rap -
I immediately went to 212 W 27th St
which was near the corner,

I went up to Packebam's room
& there met officer McGinley -
As I struck the head of the stairs
I saw deceased lying in Mrs

3

Pohlman's room - on the same floor
I went into Pakenham's room
and saw the prisoner in charge
of officer McJinley -

Officer McJ. said to me "this
man is after cutting his wife
throat"

Myself, officer McJ & officer
Lynde had a struggle to get the
prisoner down stairs -

He was sober.

We asked him on the way what he
did it for, said he didn't wish
to say anything without coun-
-sel. That a man was never guilty
until he was proved so -

Told him he ought to be sorry
for what he did, he said he didn't
remember anything about it -

Said he had been bothered all
day long by the tantalizing tongue
of his wife -

I told him he ought to be
hung up to a lamp post - he said
a man is never guilty till he is
proved so -

III.

Took him to the Station House - Sept 11

Hofano preferred charge of Homicide
Took his pedance -

4.

Was then locked up - in charge of
keeper -

IV.

Next day took him to Jefferson
Market - & preferred charge of
of Housemaid -

On the way to the Court Street
saw his wife was dead and he
said he was glad of it -

Said he was getting old & didn't
have long to live anyway -

Took the Rayer to the Coroner's
office -

0954

John Pohlmann - 135 W. 28th St. Proc.

On April 2nd 1888 Resided 212 W. 27th St.
4th floor with my wife -

Resided in the care of the Pechenham
family on the opposite side - Resided
there about six months -

I left the house Sunday April 1 -
about 3.30 P.M. - Got home about
9.30 P.M. -

Met Mrs. Pechenham at the door on
the street - She started to tell me about
how her husband abused her: said
she did the same to my wife -
When I came out of Jagau's rooms ^{came into}
~~met~~ Pechenham ⁱⁿ the hallway -
cursing & swearing -

I said have a little respect for
Mr. Jagau (who had been confined)
if you haven't got it for yourself -
He said You Dutch - of - ab -
so I went I went into my own
rooms.

Pechenham with a couple came
out again into the hall, and had a
pitcher of water which he threw into
my rooms - Some of the water went
on my wife -

I grabbed him & the pitcher.

Premises
Threats.

2

got broke apt the wall - She tried to
 strike me with it. I got it & threw
 it down stairs - I cut my hands in
 grabbing the pitcher -
 The deceased then came up
 stairs - she had affee Fagan with her
 Pechenham then went into his own
 room - "I heard Pachenham begging his
 wife not to have him arrested -"

April 10.15 Pm - I saw Pachenham
 again - walking up and down the
 hall - I saw something shining
 in his hand - I then shut the
 door -

April 1.30 Pm. Monday
 apt 2 - I was awakened
 from sleep - I heard Cook and
 prisoner pm - howling - also
 heard deceased - they were
 calling "murder" "murder" -

I jumped up - opened my
 door - I keep a light burning all
 night -

Then I saw the deceased
 run into my room with both
 hands to her neck - her clothes
 on - saw blood from her neck -

"She said" "Here's my pocket
 book - (she held it in her hand)
 You keep that up at little John's"

0956

103

Expense" She also said "Holy
Mary, Jesus & Joseph. said
this 5 or 6 times - I pul down
~~down~~ - I saw prophet in her hand -
(will describe this scene)

✓ Mr. Alice Cahman -

1. Heard deceased and her husband quarreling Saturday night - all night long - until 3 AM Sunday -
- (2. In Nov 28th premises I heard the prisoner & deceased quarreling)
3. About 9.15 Sunday night I saw prisoner chase her into the hall - she ran down stairs - cursed and swore -
 She said in his presence
 "Aunt I to be pitied, God help me -" He turned around and call her and me bad names -
4. A little after 10 PM he came and knocked in my door. I opened it and he asked for his wife - before I had time to reply he threw a pitcher of water on me - Then my husband came out - & they had a struggle there for the pitcher - I shut the door - I do not see this trouble
 Shortly after this I saw Mr P.

Came up stairs with an officer & go
into his room -

Then she brought the children
the two girls & the little boy
Johnnie into my room -

I sent two of them away to a
friend of mine - the boy I put
in bed - He was there all night -

The deceased remained in
my room until about 11.30 -
when Robt. Pakenham & Cook
came home - Then they went
to the prisoner's rooms and the
deceased followed soon after -

I then went to sleep & knew nothing
until my husband pulled me out
of bed about 1.30 the following day -

I saw deceased on the floor of my
room - She was breathing but she
died soon after -

She was buried from her rooms -
I attended the funeral she was
interred at Calvary -

Robt Fackenhau. -

16 Years old -

In 1887 I had been away from home - I came home in October 1887 - and remained home until the time of the murder -

I am employed by the Postal Telegraph Co.

My father has always been in the habit of beating my mother -

One time in 35th St. about 4 years ago he wanted me to go out and get away to Chicago head off -

In November 1889 he was arrested and sent to the penitentiary for 4 months for trying to throw ~~her~~ out of the window -

Two young men pushed up from the street and broke open the door, and rescued ~~her~~^{my} mother -

The prisoner came home about Friday At ~~July~~^{March} 27 - 3 days from the killing - He had just got out of jail -

The first night he was all right - my mother didn't speak to him -

He did not to her -

Saturday he got 1²⁵ from an
old man me Carter - and spent the
money for drink - #

He slept in the house that Saturday
night -

He got up Sunday & commenced
~~fighting~~ cursing and swearing at
my mother & my sister Mary who
had to leave the house -

He slept with me & Dick Cook -
my mother slept with the girls -

1 o'clock Sunday mother got dinner
for me -

He still cursed and swore at her she
never answered him -

I went out about 2 o'clock & went
to see Cook -

Came back home about 4 PM -

My mother was working outside - my
father was home -

Sagaw went out about 7 PM -
Promer said it was going away in the
mornig -

I came back about 8 o'clock -
I met my mother in kitchen near door -
Father at the side window -

My father was cursing and abusing mother
Called her "North of Bland who's"

3

My father chased my mother out
into the hall - she went down stairs
She came back about 10 o'clock and
gave me my supper - & my sister mine -
My father sat at other end of table -
He was not drunk -

He then tried to pick a
quarrel with her -

Called us all bad names -
said if she sent me out to buy
meat -

Then he made a jump to strike her and
she ran out into the hall into Mrs
Pahlmann's room -

Mother had already sent in
my sister & brother John to Mrs Pahlmann -
My mother left Pahlmann & she &
I went down stairs to the door -

We heard a noise & we came up stairs
& saw the fight between Pahlmann &
father for the pitcher -

(Will describe this) -
Mother called "Mordes" out the window
and officer ^{Carl} came up -

This was between 10 & 11 PM -
My mother would not make a charge
against him - The officer then left -

In the fight with Pahlmann my father
was cut over the forehead - The officer

13
 My father chased my mother out
 into the hall - she went down stairs
 She came back about 10 o'clock and
 gave me my supper - & my sister's meals -
 My father sat at other end of table -
 He wasn't drunk -

He then tried to pick a
 quarrel with her -

Called us all bad names -
 said if I'd sent me out to bring us
 men -

Then he made a jump to strike her and
 she ran out into the hall into Mrs
 Pahlmann's room -

Mother had already sent in
 my sister & brother John to Mrs Pahlmann -
 My mother left Pahlmann & she &
 I went down stairs to the door -

We heard a noise & we came up stairs
 & saw the fight between Pahlmann &
 father for the pitcher -

(will describe this) -

Mother called "Mundes" out the window
 and officer ^{Carlson} came up -

This was between 10 & 11 PM -
 My mother would not make a charge
 against him - The officer then left -

In the fight with Pahlmann my father
 was cut over the forehead - The officer

0963

4

Asked about this & my mother told him -

The officer made prisoner go to bed before
he left -

Afterwards he got up and
lit his pipe -

Got quarreling with my mother
again - in the kitchen -

Mother opened the door & walked
into Mrs Pahlmann's room again -

Cook came home about 12 - we went into
see mother -

Afterwards we went in to see the
prisoner - Cook & I -

He ordered us out into the
hall - then he came out & had a Cu-
perleis screw driver in his hand
about a foot long.

I was standing in Mrs
Pahlmann's door -

Afterwards found the
screw driver in the hall when
he sent me to look for his pipe -

The deceased between 12 & 1 AM
went down stairs for a police-
man - Officer Carris came
up and he and Cook & I and

15,

deceased went into the kitchen of
prisoner's rooms -

Cook & I went in first - prisoner
came from the bed room - He was told
by officer to get on his pants & go with
him - he told the officer that he would
help - d - d - d if he would put
on his pants to be taken out of his house
without a warrant -

Then father commenced to beg the
my mother not to have him arrested -
Then father got down on his ^{before my mother} knees and
said for God's sake don't have me
arrested again -

My mother said she would do anything
for God's sake and would give him
another chance -

The prisoner then promised the
officer that he would go to bed and
would not make any more trouble

The officer left there about 1.30 am.

After the officer left my father remained
in bed about 2 or 3 minutes -

Got up & asked for his pipe and I
got it for him - and filled it and
gave it to him. He lit it and
smoked a little -

He went into his bed room

6.

He kept his trunk there (The next morning after the killing I saw the razor case in this trunk)

He came right out laid his pipe in the tobacco box -

She said to my mother "Maggie & mine are yr best to have me arrested - havent you?"

She said "No Pat - I have not if I do you wouldn't be here now - as you heard what the officers said -

My mother was sitting down in a chair in the corner - He was standing a few feet away -

She said "Go to bed now and dont be pursuing any trouble for God's sake -"

He says "I suppose I have to do such and such a thing to you & Cook & Robb before I go to bed -"

There was a light burning at this time in the room -

He turned and walked towards the bed room door -

Before he got there he turned & walked towards my mother. He had his hands behind them

7.

I saw a movement of his hands
and then dropped them to his side
& I saw a razor in his right
hand -

I jumped upon his back
& called for Detb Cook to give
me a hand -

Before he could do so - my
father jumped towards my
mother put his left arm around
her neck caught her by the hair
and drew the razor across
her neck - Cook grabbed the
razor & broke the handle
but him & he let go my
mother - she ran out of the
room -

He then caught me - & I
broke away - knocking the
blade of the razor out of his
hand -

Cook ran out of room & I
came out afterward -

✓ Richard Cook - Only knew presence

3 days -

Corroborates the above.

Mary Parkman -

My father was a Saints by name -

Prisoner came home Wednesday night - appeared very drunk until Saturday when he got drunk and began to use vile names to us all -

Saturday night he was drinking mother until my brother came home -

I left the house 10 minutes of a Sunday morning - April 10th

I heard of my mother's death on Sunday morning and came back home -

When drunk the prisoner has always been abusive to mother & all of us -

Saw prisoner in Sept 1885 - said he was ^{for it} sorry - sent for me - Said he didn't remember any thing about this occurrence

In Nov 1887 he threw a chair at her and she threw the light from the stove & struck him in the forehead -

0968

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroner's Office
No. 67 Park Row Street in the 4th Ward of the City of
New York, in the County of New York, this 9th day of April
in the year of our Lord one thousand eight hundred and 88 before
Ferdinand Eidman Coroner,
of the City and County aforesaid, on view of the Body of Margaret Packerham
lying dead at

Upon the Oaths and Affirmations of
Nine good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Margaret Packerham came to her death, do
upon their Oaths and Affirmations, say: That the said Margaret Packerham
came to her death by

Shock from profuse hemorrhage
due to severing the main blood vessels at the back of the neck
caused by a razor in the hands of her husband Patrick
Packerham at their residence 212 W. 27th St. on April 2/88 about
11 AM.

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

JURORS.

George Krauer 151. 1. Ave

Gottlieb Naumann 170. 1. St.

Jacob Sears 203. 2. St.

Louis Amstutz 170. 1. St.

Abner Francis 174. 2. St.

Leopold Abymann 189. 2nd St.

John Wiener 146. 1. St.

Henry C. Meyer 94. 1. St.

Nathan Rosenbaum 112. 4th St.

Ferdinand Eidman

CORONER, L. S.

0969

CORONER'S OFFICE.

TESTIMONY.

Officer William Quinn 161st Precinct being
 sworn in on Dec 21st 1887 I was on
 duty on 11th 27th St bet 7 & 10th Aves.
 About 1:30 PM I was called up by the
 Son of the prisoner who told me
 that he had been chased out of the
 house by him. I went to 212 W 27th St
 I met the deceased at the door. She
 told me her husband had put
 them out of the house & wanted me
 to go up & make an arrest. I went
 up and found the witness there
 I went in, he was at that time only
 I ordered him to put his clothes on.
 He was almost done it when he begged
 of his wife for God's sake not to have
 him sent back again to prison as
 he was just after doing 4 months. He
 got down pretty near on his knees
 & put up his hands & the deceased
 said "it's long as it is for God's sake
 she would not have him arrested".
 She would give him one more chance
 as he was going away in the morning
 I told them I should run around
 the neighborhood, & if they would
 give an alarm I would go right

Taken before me

this day of

188

CORONER.

0970

up and went to the left, about
 later than 10 minutes afterwards
 an alarm was given that he had
 cut his wife's throat, when I
 went up accompanied with Officer
 Meyers, 2nd & 3rd of 10th Dist.
 I took the prisoner out, sent for an
 ambulance at once. I was informed
 that when I came back that the
 woman had died before the
 ambulance arrived. I saw the
 deceased lying dead in Mrs Williams
 room. When I arrived the 2nd time
 at the house I found the prisoner
 in the doorway. Detection Officer
 had had a fight with him. I got the prisoner
 when he got down stairs he said
 I told him he ought to be sorry
 for what he had done, he said
 he did not know anything
 about it, this was in the way
 of the Station House. He said
 he had been bothered all the
 long by the tantalizing tongue
 of his wife, on the way to Court
 I told him she was dead, he
 said he was glad of it - but
 he was old & could not live

Taken before me
 this day of

188
 CORONER.

POOR QUALITY ORIGINAL

0971

Coroner's Office.

TESTIMONY.

I was called upon by the coroner's office
 on the 9th day of April, 1887, at
 the residence of the deceased, where I was
 in the room the first time, after
 his wife said that she would not
 make a complaint, I advised him
 to keep quiet & keep quiet, He
 went to the court before I
 left Monday, that he would
 not have any more disturbance
 while on his way to the station house
 I told him I would serve him right
 if he were brought up to a court
 anything further I cannot remember
 He said some things more
 and by tell me is needed, He also
 said that he did not make any
 complaint.

William Cairns

Taken before me

this 9 day of April 1887

Richard Pidsman CORONER.

Coroner's Office.

TESTIMONY.

Robert Washington Young
 212 W. 27th St. New York
 Son of the defendant. I am at
 Telegraph Messenger. I was
 home all day Sunday. My father
 was drinking all day Sunday
 until about 4 P.M. - He drunk beer
 My little sister got a pin in
 her arm - collar & 25 cents due
 him from his old lease 777 778 779
 which he received Saturday. On
 Saturday evening he came home
 he sent my little sister Alice for
 a pint of beer. On Sunday day
 I went to the Telegraph office
 3rd St & 73rd St. I see my friend
 Dick. I met him & stand around
 the office till he got off about 10 P.M.
 We went from the office home
 & got to bed. Dick got up next
 morning (Sunday) at 11 A.M. & went
 to work at 12 M. ^{my father} He sent my
 little sister Alice & Cora for 2
 pint of beer in a tin. My
 mother came in & wake me
 up at 1 P.M. He got my breakfast
 ready - laid a table & went
 to work. He should be working

Taken before me
 this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

from 1 P.M. till 9 P.M. The woman says
 in Mrs Henderson 337 10.27th St.
 when she came home on the 24th
 my father commenced calling her
 a whore & bitch & said that
 I went out & brought in men for my
 mother. He also said that I was
 smoking Coons while he was on the
 Island. I told him I did not care
 to hear such talk & also that I
 would not stand it. He jumped
 up from the chair. "A fine little
 son of a bitch how would you like
 to be thrown out of that window?"
 I did not answer. He then & there
 I was sitting on a chair - when he
 said he would not touch me this
 time as he only had till the
 morning to stay in the house.
 Then I left the house & went
 Sunday day about 9:30 P.M. to see
 Dick again - at the office. I saw
 him & waited until he got off at
 12 M. & then we went home. My
 mother was in Mrs Palmans room
 & she said to me "For God's sake
 Kate come here" I went in & asked
 her what the trouble was. She

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

said that father had been fighting all day & soon as I left the house he wanted to be let in, & for safety she ran down stairs. He thinking she was in Mrs Pullman's room brought out a pitcher full of water & threw it in Mrs Pullman's room & after he threw the water he walked up to Mrs Pullman's room. Mr Pullman saw that he had something in his hand, & he showed his wife out of the way. Mr Pullman caught my father's wrist & tried to take the pitcher away from him. Between the turning & running in the hall the pitcher broke & Mr Pullman held my father's wrist until he got the last piece of the pitcher away from him. Then my mother went to the window & screamed "murder" when my father walked over he had the pitcher in his hand & Mr Pullman's wife was in the way & Mr Pullman pushed Mrs Pullman aside & grabbed my father by the

Taken before me

this day of

188

CORONER.

POOR QUALITY ORIGINAL

0975

Coroner's Office.

TESTIMONY.

7

artist, when Mr. Pollock
 brought his hands to his head
 up level with his forehead.
 & the pitcher went ~~at~~ trying
 to brain Mr. Pollock. ~~at~~
 At that time the pitcher struck
 the prisoner on the forehead,
 while, in his hands, these arms
 were not inflicted by my
 mother or by Mr. Pollock.
 I ran down for an officer
 & brought Officer Cairns up,
 who asked my mother what
 charge she would make against
 my father if he would ask her
 up - She did not answer.
 Then my father got partly down
 on his knees & asked her for
 God's sake not to leave him.
 Arrested again, my mother
 said "Well, right as long as it
 is for God's sake I'll give you another
 chance". Officer Cairns told
 my father to be quiet & he said
 he would. He said he would go
 to bed in presence of the Officer.
 He went to bed & Officer Cairns
 went down stairs, saying if my

Taken before me
 this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

87

father would cause any more disturbance for to let him know - he would come & see him, up - Officer Carron was about the front of the first stairs when my father got up & said he wanted a smoke, he asked me did I see his pipe. So I looked around & found the pipe lying in the hall. He asked me to fill it which I did & handed it to him along with a match. He was up in the kitchen at this time. He lit his pipe & commenced cursing & swearing my mother & all of us. He said "Maggie you time you best to time me looked up this time did it?" She said "did not Patrick?" He said "Now know what the Officer said & if I had done my best you would not be here now" & now for God's sake go to bed for your own good". He said "Yes I suppose I shall have to smoke you are - your Susan & Dick are before I go to bed with that disturbance".

Taken before me

this day of

188

CORONER.

POOR QUALITY ORIGINAL

0977

Coroner's Office.

TESTIMONY.

9

behind his back & I fearing
 something would happen looked
 behind his back but saw nothing
 In a minute or so he dropped
 his hand to his side & I saw a razor
 shine and so soon as I could
 I sprang on him & called for Dick
 to come & help me Dick
 jumped up & me. I tried to pull
 my father back, He had a hold
 of my mother at the time, but
 it was of no use. I then punched
 my father in the eye which reeled
 him around, but the cutting was
 already done at that time. I don't
 the razor as the one that my father
 was deceased with, am not sure about
 the handle. He My father
 had my mother in a corner
 had her head back with
 his left hand while in the right
 he had the razor, Dick & I
 jumped in. He caught my
 mother around the neck &
 went pulling her forward toward
 me. When Dick caught the razor
 My father had the razor in his
 hand, when Dick got hold of the

Taken before me
 this day of

188

CORONER.

Coroner's Office.

TESTIMONY. 10

handle & broke it off & then
 Dick ran down & followed
 "Murder" In a minute or so
 after ~~he~~ my father caught me
 by the neck & pulled me toward
 the window - He still held the
 razor in his hand & was trying to saw
 myself I threw my left hand up
 & got a slight scratch by the razor
 I then ducked my head & ran
 out, I ran down stairs screaming
 "Murder & Police!" When I
 got to the door I ran toward
 the street & there I met some
 officers. They stopped me. He asked
 me what the trouble was, I
 told him my father had cut
 my mother's throat, He summoned
 his club & brought 3 or 4 more
 officers to him, & they went up
 stairs & for the my father out
 window. My mother was
 then lying in Mrs. Pullman's room
 to which she ran when she was
 cut. She cutting took place
 in the kitchen after the
 dinner had gone. My mother
 was sitting in a chair near the

Taken before me
 this day of

188

CORONER.

POOR QUALITY ORIGINAL

0979

Coroner's Office.

TESTIMONY.

I recall + my father was standing
 in the room with my mother + Dick
 Cook + I were there, I was
 sitting in a lounge about 4 ft
 from my father Dick Cook was
 sitting right opposite my mother
 about 6 feet from my father
 when my father made use of
 the vulgar expression and
 my father put his hand
 behind him, his hand then
 dropped to his side + I
 saw something shining
 jumped on his shoulder
 behind. Then my father
 jumped on my mother +
 she was rising from the chair
 and took one half
 step. He jumped on my
 father too. My father had
 the razor in his hand + had
 my mother up against the
 wall, he cut + I pulled him
 away. My father cut my mother,
 Cook + I hit him as soon as
 my mother was cut, we could
 not pull her away, Both eyes
 were on his shoulder + there

Taken before me
 this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

was quite a struggle & it
was during this struggle
that he cut my mother.
His struggle lasted about
3 minutes. There was not one
word spoken during the struggle
and not a word spoken.
I have not talked this matter
with anyone. I have said
I would like to give evidence
to have my father hung. I said
so in the Coroner's office & I
say so now. My father was
well when he cut my
mother. He had been drinking
from 12 o'clock to 1 o'clock. My
father put me out of the house
I was sent by Children Aid Society
to Maryland Avenue for a farmer.
I was away for about 3 months.
My father got drunk & was locked
up & got 3 months by Judge Murray
at Jefferson Market Court. My
mother would not keep house,
I did not run away. I went to
the Children Aid Society myself
from my father's house. I have been

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

in the Matter of the Estate of the late
 John Doe. My father never sent
 me money to get time, I sold
 the farm on the 1st of June 1886
 and was asked for my money
 and to the money I gave for
 work done by my father &
 went over to the bank to get
 the money.

Robert T. ...

Taken before me

this 7 day of April 1886

Richard ... CORONER.

Coroner's Office.

TESTIMONY.

Then Mrs. Buckingham said she saw
 a man who came up
 stairs & she was going to have a
 look at him. He got down on his knees
 & begged for God's sake not to
 send her to prison again as he
 was after being 4 months there.
 Mrs. Buckingham said "I am
 in for God's sake 200 fine you
 another chance" "I have got my
 trunk packed & I'll get away
 early in the morning, but see
 the Police on what he
 said "Maggie you stare your
 best-beloved me just away again"
 Then he walked out of the room
 upon his drawers. He said "Maggie
 you have got a domineering look in
 your eye." With that he jumped
 further & then Rob jumped on his
 father's face, the father caught
 Mrs. Buckingham by the neck,
 by the left hand & cut her with
 the right ^{hand} ~~hand~~ noticed blood
^{on the fracture in Mrs. Buckingham's room}
 there was a struggle between the
 person & Rob - at the time
 he raised his right hand & cut
 her there was no struggle.

Taken before me
 this day of

188
 CORONER.

Coroner's Office.

TESTIMONY.

16

deceased, run over by Mrs. Pahlman's car. She had her hands up to the wind & screamed. I then ran for a policeman. I talked this matter ^{over} with Robt. Pahlman. I am sure the Doctor said "maybe you have a temporary shock in your eye". Robt. jumped on his father's shoulder as he rushed for the mortuary. Robt. was on the father's shoulder when he cut ~~his~~ ~~matter~~ deceased. I subsequently Robt. my home & help me. I went for Pahlman after the cutting was done. I grabbed him & said "let her go". I gave him a punch on the eye & so did Robert. There was a struggle between Pahlman & Robert & I intervened. It lasted about 10 minutes.

Richard Cook

Taken before me

this 9 day of April 1888

Andriana Adams CORONER.

POOR QUALITY ORIGINAL

0985

Coroner's Office.

TESTIMONY.

7

I am William
 227 W. 27 St. N.Y. City
 of the occurrence I resided at
 212 W. 27 St. ~~W. 27 St.~~ I left
 the house about 12:30 and returned
 at 1:30 and met Mrs. Kelly
 in the hall standing in the hall
 "My husband is carrying a baby
 lead" He has called me all the
 names + Mrs. Pickens - I
 thought it was my own
 business & went up stairs into
 Mr. Kelly's room on the 2nd floor.
 Mr. Pickens came in & I thought
 that he had made such a noise
 to have on it the respect for the lady
 in the hall. He came in & I thought
 he was in the hall - I went into my
 room. He came out with a
 pitcher-full of water, threw
 it into the room over my wife.
 I showed my wife a picture of
 her afraid the pitcher would
 strike her. I grabbed my
 The Keeper with the right
 hand at that time. The pitcher
 came against the wall. It was
 at the end of the hall.

Taken before me
 this day of

188

CORONER.

Coroner's Office.

TESTIMONY

I was sitting at the table when
 Mr. McKimpham came in. He was
 at the table. He had in his
 hand a small paper. I did
 not open it. When I did
 open it - I saw it down
 stairs. Then Mrs. McKimpham
 came up - she heard the noise
 she ran down stairs & got an
 officer. Mr. McKimpham was
 then in his own room & I was in
 my room. The officer said "What
 is this?" He said "Put on your
 clothes" Mrs. McKimpham
 begged to go down stairs & she
 went down stairs. I heard all this, then
 the officer went down stairs &
 Mrs. McKimpham went down stairs
 also. Then Mr. McKimpham came
 out again & called me with many
 as he had before & I had the
 stair again & I saw something
 slipping in his hand. He was in
 the hall way near the door &
 I saw a Rabbi if father
 had got a revolver in the house
 He said "No", I said I saw something
 in his hand & I do not know what

Taken before me

this day of

188

CORONER.

POOR QUALITY ORIGINAL

0987

Coroner's Office.

TESTIMONY.

It was then Robt Cook came
 home. He saw right away that
 was something up & then he went
 into Mrs Packings room & then
 Robert went in too, where Robt
 & Dick were in the matter was
 afraid, she went in, then because
 the doors were closed, I went down
 led & heard a woman "Murder
 Murder" I got up out of bed
 I opened my door, then I saw
 at the door Mrs Packings Dick
 & the mother ~~went~~ down into
 my room. The two boys went
 with her for an officer, she
 came in holding her head &
 the blood went right up through
 her fingers, she had a little
 pocket book in her hand, she
 told me "775 Alderman you give
 this money to little Daniel who
 was sleeping in a chair in my
 room, to pay his expenses, then
 she screamed about five times
 "Holy Mary! Jesus & Joseph"
 that was the last word she said
 I felt my knees & prayed for her.
 Cook was there when the prisoner
~~deceased~~ was awakened.

Taken before me

this 7 day of April 1885 John S. [Signature]
 Indiana [Signature] CORONER.

Coroner's Office.

TESTIMONY.

me & told me that Mrs
Washington had been out
the day that I speak of me
I just saw her at her house
I don't know where she was

Alice Pohlman.

Taken before me

this 9 day of April 1888

Ferdinand Pohlman CORONER.

TESTIMONY.

Gustav Scholer M. D., being duly sworn, says:
I have made an Autopsy of the body of
Margarete Packenham now lying dead at
212 W. 24th Str and from such Autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is Shock from profuse haemorrhage
due to severing the main bloodvessels
at the back of the neck.

Gustav Scholer M. D.

Body fairly nourished. Rigor mortis marked.
Size 5 feet. married. housewife. dark complexion.
Inspection: A cut done with a sharp instrument
seven inches long, beginning from the meatus
auditoris (behind the left ear) across in a semi-circular
way to within 1 1/2 in. of the right ear. All tissues
incised and all blood vessels severed.

Both hands closed, the left containing a purse.

Autopsy: Heart: normal stopped in systole (noble)
Lungs: normal.
Liver: slightly enlarged.
Kidneys: normal.
Spleen: normal.

Gustav Scholer M.D.
Coroner's Physician.

Sworn to before me,

this 2 day of April 1887
Ferdinand Widmann

CORONER.

POOR QUALITY ORIGINAL

0991

9 a 18, 30

F. E. _____
 No. _____
 of _____ 188

AN INQUISITION

On the VIEW of the BODY of

Margaret Packenham

whereby it is found that she came
 to her death by

Shock from profuse

Haemorrhage
 due to severing of the
 main blood-vessels
 at the back of the neck

Ferdinand Eidman

Inquest taken on the _____ day
 of _____ 188 before

FERDINAND EIDMAN, Coroner.

found the cleavage
 going on floor in
 Mrs. Packenham's
 room, which is the
 neighboring room on
 same floor, just at the
 spot where she dropped
 dead. Found clamped
 in her left hand
 a pocketbook containing
 \$3.43. Cents. Which
 money I gave to her
 daughter.
 The son in care
 neighboring room
 after being informed.

AGE	36 Years — Months — Days
PLACE OF NATIVITY	Ireland
WHERE FOUND	212 W. 29. St. April 2. 1878
Date When Reported	

MEMORANDA

POOR QUALITY
ORIGINAL

0992

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick P. K. ... being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—*Patrick P. K. ...*

Question—How old are you?

Answer—*58 years*

Question—Where were you born?

Answer—*Ireland*

Question—Where do you live?

Answer—*212 W. 27th St.*

Question—What is your occupation?

Answer—*Printer*

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

Patrick P. K. ...

Taken before me, this *9* day of *April* 188*8*

Ferdinand ...

CORONER.

POOR QUALITY ORIGINAL

0993

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
36	Years.	Months	Days.	Ireland	212 W. 27 th St. New York

Address 13 - 1888

HOMICIDE.

AN INQUISITION 567

On the VIEW of the BODY of

Margaret Sackentrain

whereby it is found that he came for Death by the hands of

Jabrick Sackentrain

Indict April 1888

Request taken on the 9th day of April 1888

of *[Signature]*

Jerdinand *[Signature]* Coroner.



Committed

Obtained

Discharged

Date of death April 21st 1888

POOR QUALITY ORIGINAL

0994

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
36			Ireland		

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Margaret-Sackenham

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

Jabrick Sackenham

which took place April 1888

Request taken on the 9th day of April 1888 before

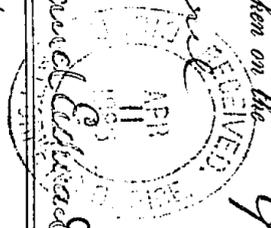
Jordismond Estlin Coroner.

Committed

Barred

Discharged

Date of death



N. Y. Court of Sessions
COURT.

The People vs

AGAINST

Patrick Peck Kuhlman

Request to change

C. F. KINSLEY,

ATTORNEY FOR

defendant

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby
admitted.

Dated New York.....

Attorney for

0995

N. Y. Court of Sessions
Court.

The People vs

AGAINST

Patrick Peckham,

Respondent to charge

C. F. KINSLEY,

ATTORNEY FOR *def*

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby
admitted.

Dated New York

Attorney for

0996

REQUESTS TO CHARGE.

1.

The prisoner is presumed to be innocent of the offense charged against him.

2.

If the jury believe there is a reasonable doubt, on all the evidence in the case as to his insanity absolving from crime at the time he committed the act of ^{shooting} ~~shooting~~, he is entitled to the benefit of that doubt and should be acquitted.

3

If the defendant has introduced evidence tending to overthrow the presumption of sanity and to show insanity which absolves from crime, the people must satisfy the jury upon the whole evidence beyond a reasonable doubt that the defendant was mentally responsible or he should be acquitted.

4

Handwritten mark

The rule of law "that if the jury have a reasonable doubt, from the evidence, that the prisoner is guilty of the crime set forth in the indictment, he should have the benefit of the doubt", applies to the sanity of the prisoner as well as to the act it self.

5

The law doesnot require that the insanity or mental abberation which absolves from crime should exist for any definite period, and only that it existed at the moment when the act occured with which the prisoner stands charged.

Handwritten mark

6

If the insanity or mental aberration which absolves from crime operated at the moment that the act with which the prisoner is charged was committed that is sufficient in law to absolve the prisoner from guilt and he cannot be convicted of the offense charged in the indictment or any other offense.

7

The people must satisfy the jury beyond all reasonable doubt that the prisoner understood the act at the moment it was committed, and if the jury find that he did not understand it at the moment he committed it, he cannot be found guilty of the crime charged in the indictment or any other crime, and it is the duty of the jury to acquit him.

8

That the people must satisfy the jury beyond all reasonable doubt that at the moment the act alleged in the indictment was committed by the prisoner, he had reason perception and understanding sufficient to enable him to discern right from wrong and that if he had not, it is the duty of the jury to acquit him.

9

That it is the duty of the people to satisfy the jury beyond all reasonable doubt that at the moment the act alleged in the indictment was committed by the prisoner, he has reason, perception and understanding sufficient to enable him to discern right from wrong with respect to that particular act, and if he did not the jury must acquit.

10/

That the people must satisfy the jury beyond all

reasonable doubt that at the moment the act alleged in the indictment was committed the prisoner had sufficient reason and will under all the circumstances as they may be found to have been proved, to form and have a criminal intent and purpose and if he had not, the jury must acquit.

11.

If under the testimony in the case the jury believe the defendant was "wholly unconscious at the time" he took the razor and cut the deceased, he was not guilty of a criminal act and must be acquitted.

12.

If the jury have a reasonable doubt from the evidence whether or not he was wholly unconscious at the time, he is entitled to be acquitted.

13.

If the jury believe from the testimony in the case, that the defendant, "did not know what he was doing at the time" of the cutting he was not guilty of a criminal act and cannot be convicted.

14.

If the jury have a reasonable doubt from the evidence whether the defendant knew what he was doing at the time of the ~~shooting~~ ^{cutting}, he should be acquitted.

15.

It does not make any difference how the defendant received the defect of reason under which he was laboring, if it was such as absolves from crime, under the law he should be acquitted.

16

And if upon the whole evidence in the case the

POOR QUALITY
ORIGINAL

1003

People
Jackson
Stanton
of Wisconsin

1004

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

Branch Work House, Hart's Island.

LAWRENCE DUNPHY,
Warden.

NEW YORK.

188

*Check Report of
Capt. Peckham while
a prisoner at Branch
Work House*

*Jan 28 - and Excused from work
" 29 - not Excused
" 30 - Excused
" 31 - not Excused*

1005

The Superintendent of the Work-House

WILL TRANSFER

13 Males to the *Branch Work House*
1 Male @ Island as *Help*

Office of Commissioners of Public Charities and Correction.

NEW YORK, *Nov 30th* 188*7*

[Signature] Commissioner

NAME.	NATIVITY.	DATE OF COMMIT.	TERM.	BY WHOM COMMITT'D	CAUSE.	No. of times Committed to Work House.
<i>Thomas Johnston</i>	<i>Irish</i>	<i>Nov 29/87</i>	<i>300</i> <i>400</i>	<i>German</i>	<i>26</i>	<i>357</i>
<i>John Brockton</i>	<i>Irish</i>	<i>" 29 "</i>	<i>300</i> <i>3 Mos</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Patrick Postkhan</i>	<i>Irish</i>	<i>" 29 "</i>	<i>300</i> <i>4 Mos</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Charles Dunbar</i>	<i>Irish</i>	<i>" 29 "</i>	<i>300</i> <i>3 Mos</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Roberts Roberts</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 Ps</i>	<i>"</i>	<i>"</i>	<i>397</i>
<i>Henry Canell</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>Pollock</i>	<i>"</i>	<i>"</i>
<i>James Gilchrist</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Bernard Sewery</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Erasmus Hall</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Theodore Edelmann</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Michael Healy</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Patrick Reilly</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>John Golden</i>	<i>Irish</i>	<i>" 29 "</i>	<i>10 "</i>	<i>"</i>	<i>"</i>	<i>"</i>

In conformity with the above Order, I hereby make such Transfer.

[Signature]

Superintendent.

1006

Handwritten text, possibly a signature or name.

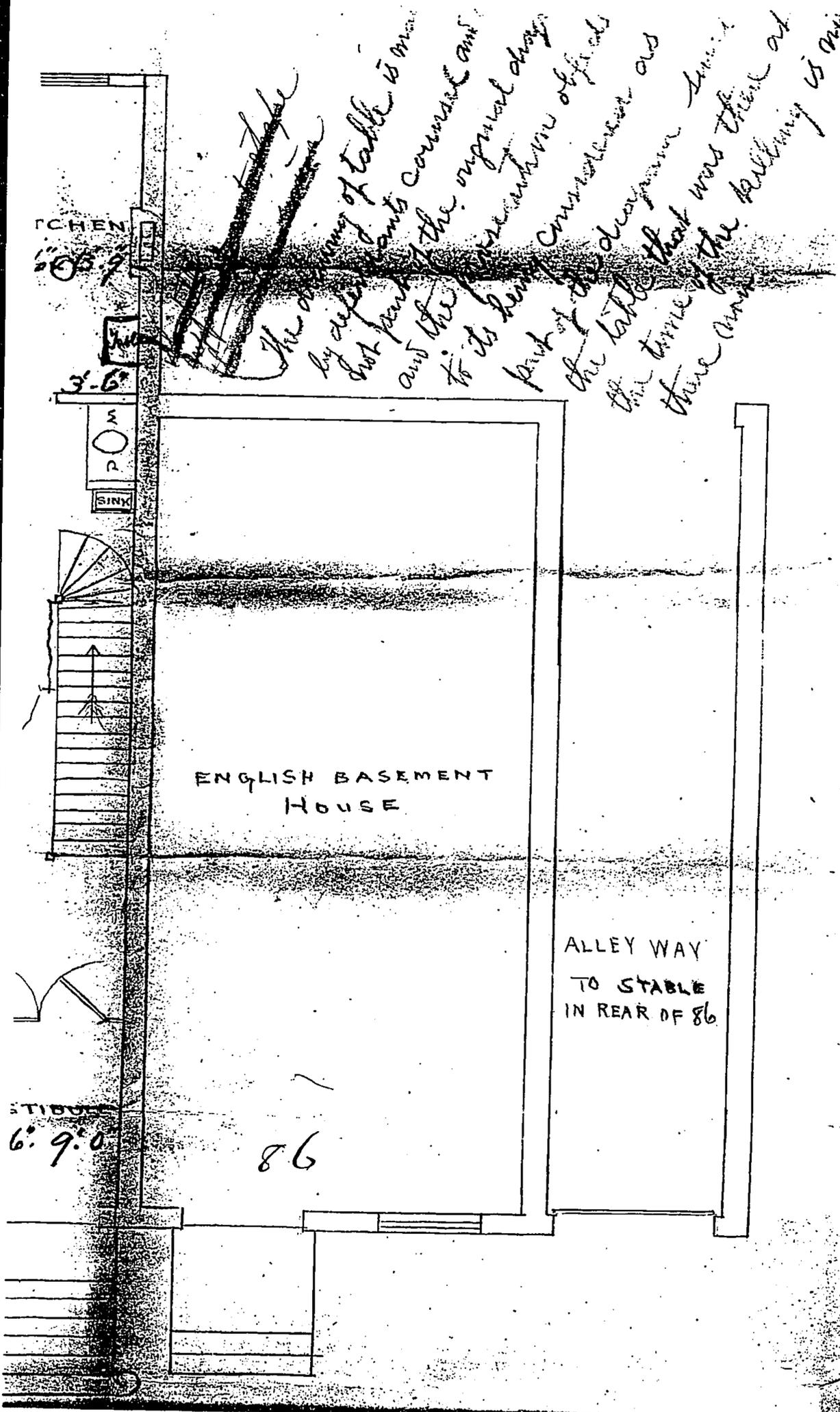
John Crotterham. Committed Sept 16th/86 by Commissioner
 Brennan, House of Correction, State of Ireland.
 Age 48. In U. S. 27. Occupation Laborer. Civil Condition
 Single. Religion Catholic. Received at Work House
 W. I. Sept 20/86. Transferred to Infants Hospital, Randal's
 Island. Sept 21/86. Discharged at expiration of term
 November 15th/86

Patrick Wickham. Committed Nov. 29/87 for 4 months in
 default of \$500.00 by Justice Sorman at Jefferson Market
 Police Court. Charge. Disorderly Conduct. State of
 Ireland. Age 47 Years. In U. S. 41 Years. Occupation
 Painter. Civil Condition Married. Religion Catholic
 Received at Work House. W. I. Nov 30/87. Transferred
 to Bouch Work House, Hurst Island Nov 30/87.
 Discharged at expiration of term March 29, 1888.

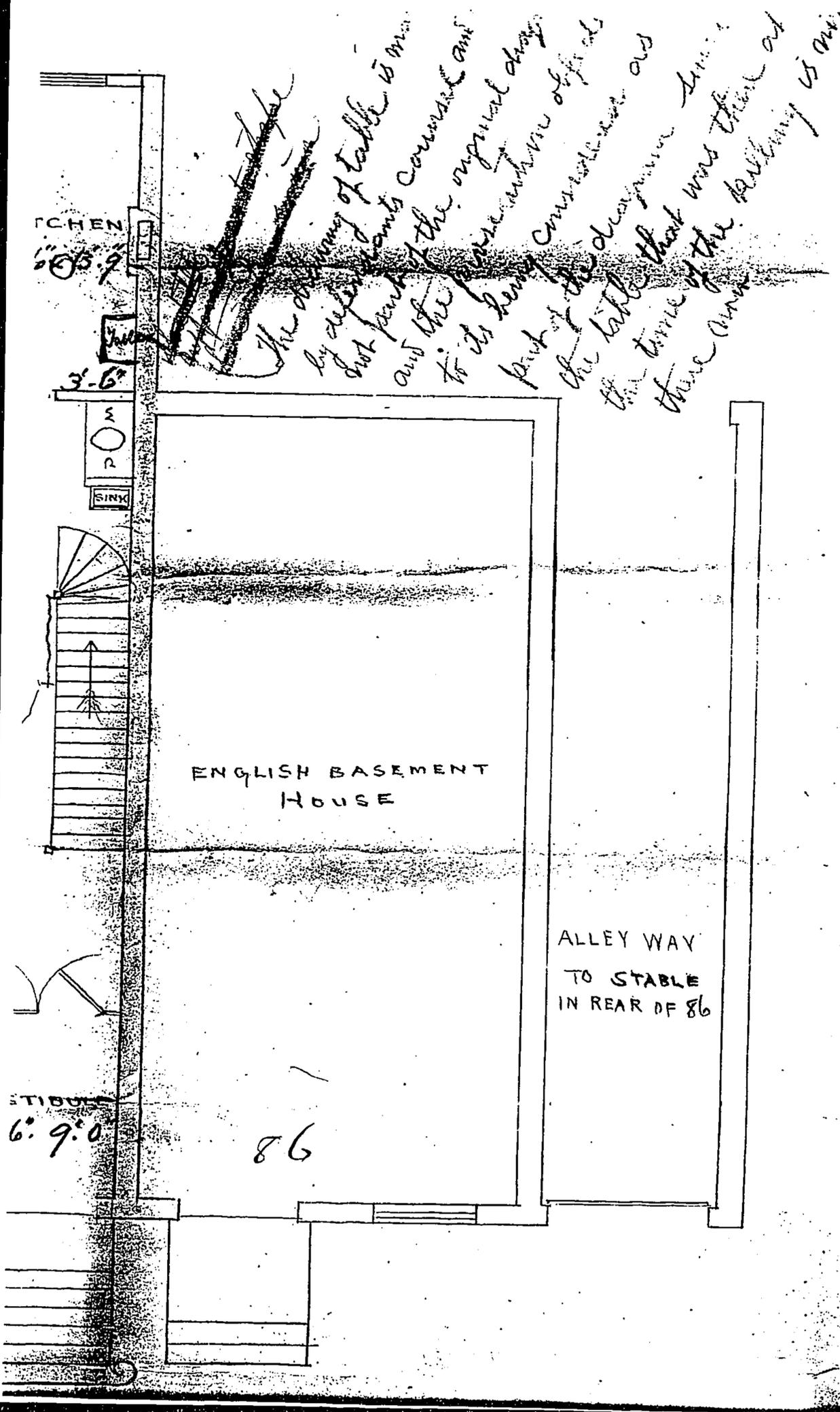
I do hereby certify that the foregoing is a true copy of the
 records of this institution as regards, the persons therein
 mentioned.

Work House. W. I.
 New York Nov 5th 1888.

Wm. R. Stocking,
 Superintendent.

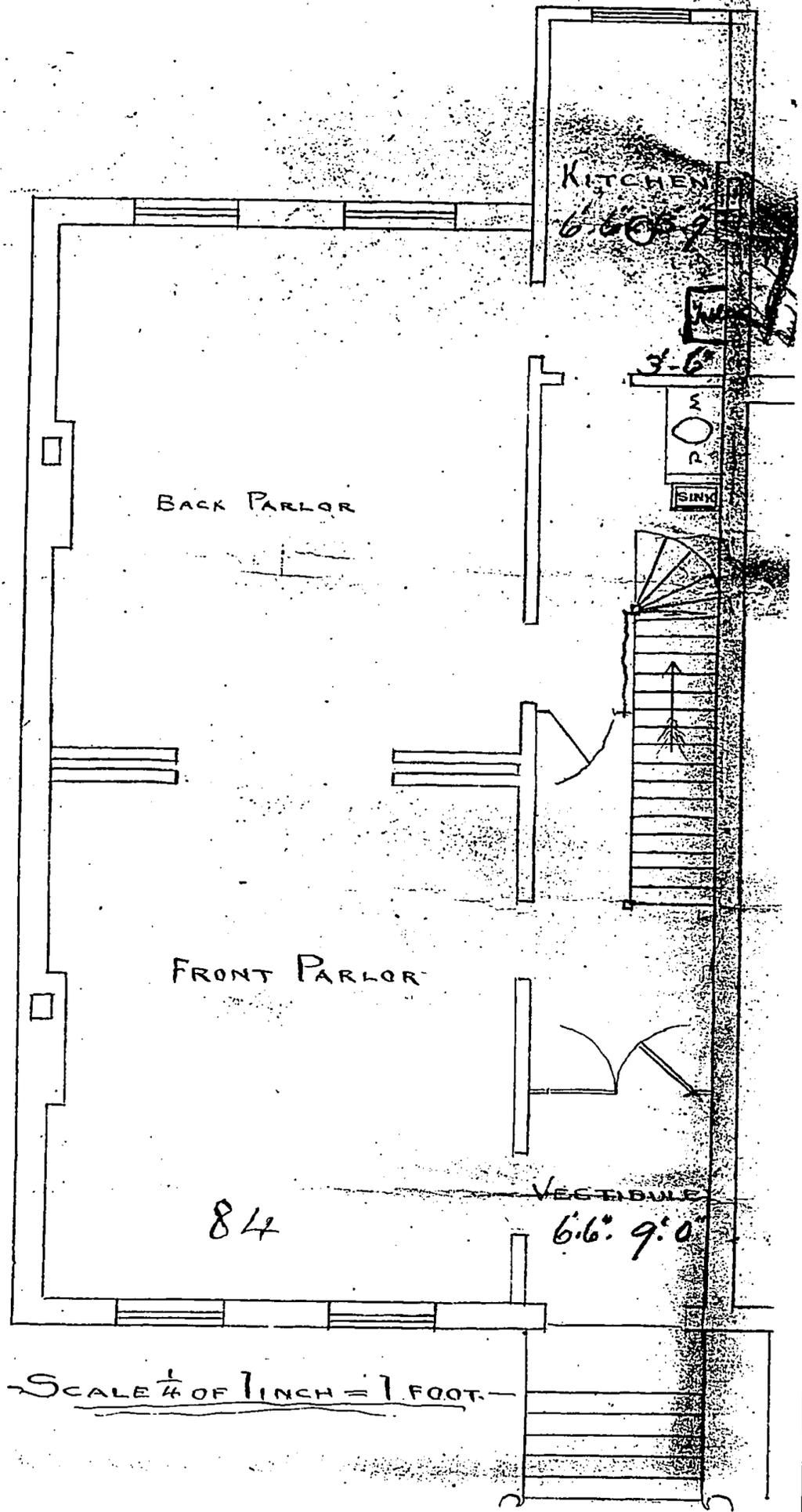


*The original table
by defendant's counsel and
not part of the original shop
and the furniture and
part of the original shop
the table that was there at
the time of the killing is not
there.*



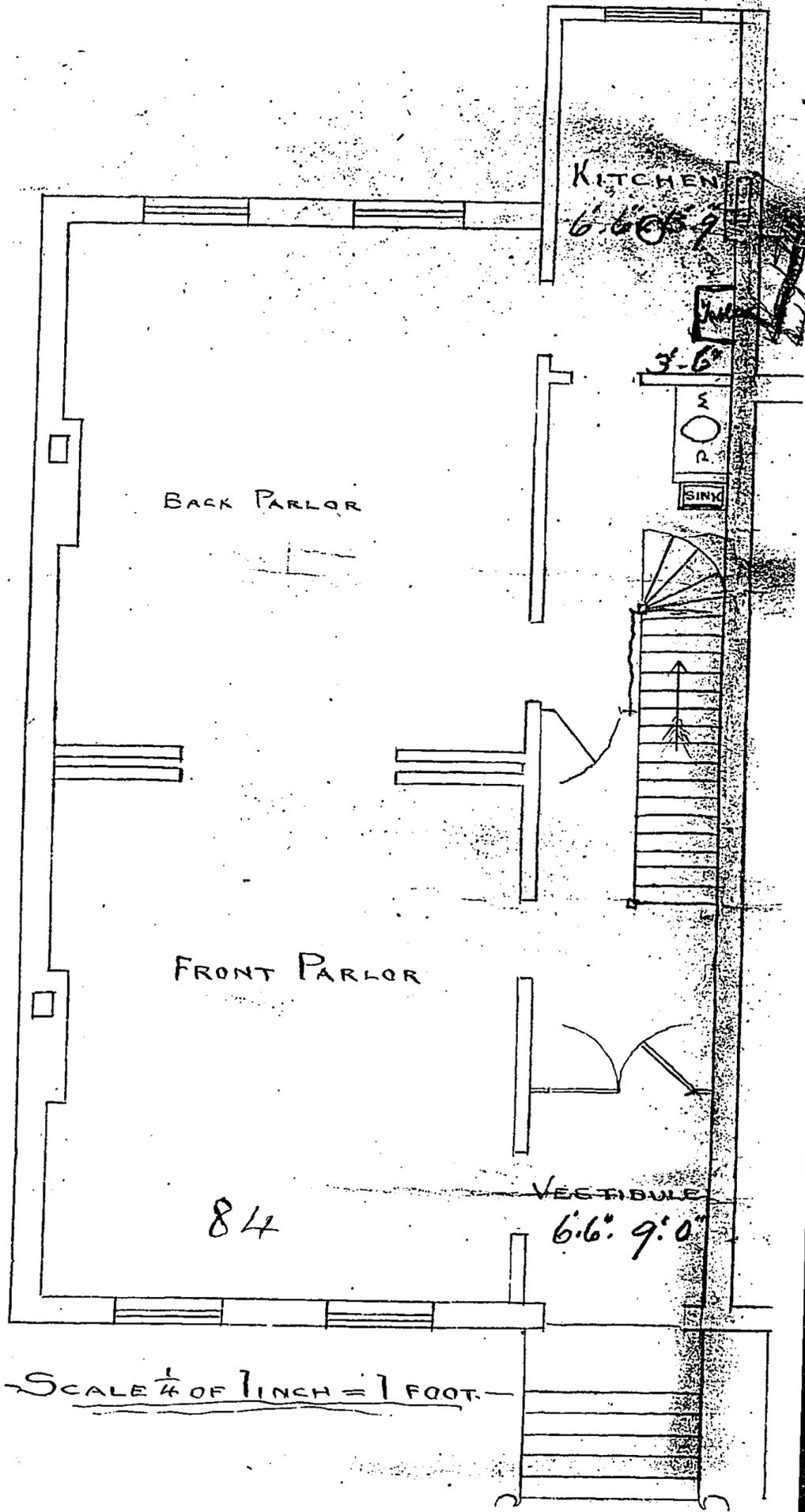
POOR QUALITY ORIGINAL

1010



POOR QUALITY ORIGINAL

1011



Coroner's Office
 67 Park Row,
 New York

Dr. O. W. Meagher
 Bullet found in the body of Alice Jackson
 (C.C.) at St. Vincent's Hospital, July 17/88
 Present Drs. Kenally, McCabe & Mitchell of the
 resident staff

Coroner's Office
 67 Park Row,
 New York

with which the cat has been identified
 Request filed April 9th 1888. by Coroner [unclear]

Coroner's Office
 67 Park Row,
 New York
 Dr O'Meara
 Bullet found in the body of Alice Jackson
 (A.C.) at St Vincent's Hospital, July 17/88
 Present Drs Kennedy McCabe & Mitchell of the
 Resident Staff

Coroner's Office
 67 Park Row,
 New York
 with which she cut her wife's throat
 Inquest held April 9th 1888. by Coroner [Name]

1014

THE CITY OF NEW YORK
DEPARTMENT OF RECORDS AND INFORMATION SERVICES
MUNICIPAL ARCHIVES

SEPARATION SHEET

INSTRUCTIONS: For each item or unified group of items separated, complete two exactly duplicate forms. Place one form within the collection at the exact place the separated item would occupy if it could remain in the collection. File the other form with the separated item in its new location.

DESCRIBE ORIGINAL LOCATION OF ITEM (S):

1. Record Group:
COURT OF GENERAL SESSIONS
INDICTMENTS

2. Subgroup:

3. Series:
COURT OF GENERAL SESSIONS
INDICTMENTS

4. File Unit & Box No.
Packerham, P. "P" 4/1888
Box 304 Folder 2897

5. BRIEF DESCRIPTION OF ITEM (S):

DRAWING OF MURDER SCENE
which includes a diagram
of house.

SEPARATED TO:

6. New Location:

Oversize box

7. Room:

8. Date Separated:

1-14-98

9. Separated By:

H.L.

10 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Esther Cadman

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

Esther Cadman

of the CRIME OF Murder in the First Degree, committed as follows:

The said *Esther Cadman*,

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

Margaret Cadman,

in the peace of the said People then and there being, wilfully, feloniously, and of *his* malice aforethought, did make an assault, and — *she* — the said

Esther Cadman, *her*,

the said *Margaret Cadman*, with a certain *razor* — which — *she* — the said *Esther Cadman* in *his* right hand then and there had and held, in and upon the *neck* — of — *her* — the said *Margaret Cadman* then and there wilfully, feloniously, and of *his* malice aforethought did strike, stab, cut and wound, giving unto *her* the said *Margaret Cadman*, then and there with the *razor* aforesaid, in and upon the *neck* — of — *her* — the said *Margaret Cadman*, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

mortal wound ~~— she —~~ the said Margaret Cadaverham
at the City and County aforesaid, ~~from the day first aforesaid, in the year aforesaid, until the~~
~~day of —~~ ~~in the same year~~
~~aforesaid, did languish, and languishing did live, and on which said~~
~~day of~~ ~~in the year aforesaid,~~ the said
at the City and County aforesaid,
of the said mortal wound did die.

Then and there died.

And so the Grand Jury aforesaid do say: That the said Salinda
Cadaverham, her _____

the said Margaret Cadaverham, in the manner and form, and by
the means aforesaid, wilfully, feloniously, and of her malice aforethought, did kill,
and murder, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
_____ Salinda Cadaverham _____
of the same CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said Salinda Cadaverham, _____

late of the City and County aforesaid, afterwards, to wit: on the said second _____
day of April, _____ in the year of our Lord one thousand eight hundred
and eighty- eight, at the City and County aforesaid, with force and arms, in and
upon the said Margaret Cadaverham, _____

in the peace of the said People then and there being, wilfully, feloniously, and with
a deliberate and premeditated design to effect the death of _____ her _____ the said
Margaret Cadaverham. did make another assault, and
the said Salinda Cadaverham, her, the said
Margaret Cadaverham, with a certain razor _____
which she _____ the said Salinda Cadaverham in

His right hand then and there had and held, in and upon the *neck*
of *her* the said *Margaret Cadranham*,
then and there wilfully, feloniously, and with a deliberate and premeditated design to effect
the death of *her* the said *Margaret Cadranham*, did strike, stab, cut and
wound, giving unto *her* the said *Margaret Cadranham*, then
and there, with the *razor* aforesaid, in and upon the *neck*
of *her* the said *Margaret Cadranham*,
one mortal wound of the breadth of one inch and of the depth of six inches, of which said
mortal wound *she* the said *Margaret Cadranham*, at
the City and County aforesaid, from the said *day of*
in the year aforesaid, until the *day of* in the
same year aforesaid, did languish, and languishing did live, and on which said
day of in the year aforesaid,
the said *her*, at the City and County
aforesaid, of the said mortal wound did die.

She and her died.

And so the Grand Jury aforesaid do say: That the said *Patricia*
Cadranham, her,
the said *Margaret Cadranham*, in the manner and form, and by
the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design
to effect the death of *her* the said *Margaret Cadranham*,
did kill and murder, 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.

JOHN R. FELLOWS,

District Attorney.

10-18

**END OF
BOX**