

0882

**BOX:**

304

**FOLDER:**

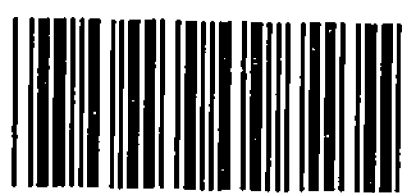
2897

**DESCRIPTION:**

Packenhams, Patrick

**DATE:**

04/24/88



2897

0003

Witnesses:

Officer Wm Cairns

Wm Frost

Robert Pakenham

227 West 12th St

City of New York

Counsel,

Filed:

24th day of April 1888

Pleas, Chitquilly - with leads

To be published by page 28

THE PEOPLE

vs.

John R. Fellows

Defendant

Patience Pakenham

Oct 25th 1888

H. L. JOHN R. FELLOWS,

Nov. 9, 1888 District Attorney.

Trued and convicted  
of Murder first degree

A True Bill.

W. J. O. Berry

Nov 12, 1888

Wm. J. Pakenham

Jan 14th 1889

April 23, 1888

MURDER IN THE FIRST DEGREE  
[Section 188, Penal Code.]

Witnesses:

Officer Wm Cairns

Wm West

Robert Richardson

227 West 12th St

Counsel,

Filed 24th day of April 1888

Pleads, *Not Guilty* - with leave

THE PEOPLE

MURDER IN THE FIRST DEGREE

*Butcher Richardson*

JOHN R. FELLOWS,

Nov. 9, 1888 District Attorney.

*Tr. Freed and Covered of Murder first degree*

A True Bill.

*W. J. Berry*

*W. J. Berry*

*W. J. Berry*

*W. J. Berry*

*W. J. Berry*

0885



City of New York Recorder's Chambers

© New York Oct 20/1888

Genl Deposition

The People

Packingtonham

Murder

Dr. J. H.

Herewith send you

my check & the original

request to change in the

above case which you may

will please file & not

permit the same to be taken from

the files - by any one but

Mr. Beardsley the stenographer



0006

~~Go~~ for the purchase  
of being a piece & then  
return to the friends

Yours truly

Henry

Mosquito  
Cave

00007

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 Packenham, 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 Packenham's conviction?

I am,

very respectfully yours,

  
Private Secretary.

POOR QUALITY  
ORIGINAL

0000

People  
vs  
Patrol Jacksonham

known  
July 17/89  
J. R. L.

00009

Dictated.  
G.B....S.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

January 5, 1889.

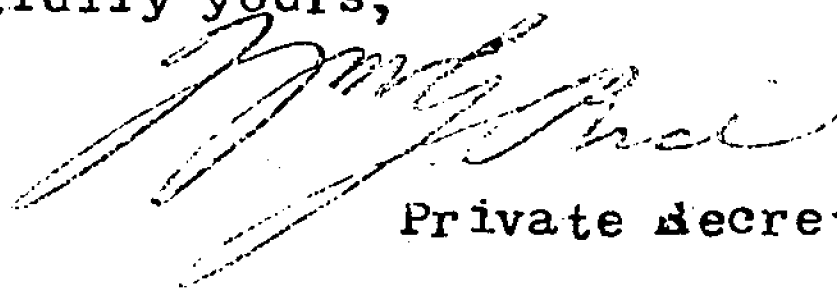
Hon. Frederick Smyth,  
Recorder,  
New York City.

Dear Sir:

In anticipation of an application for Executive clemency, which may be made on behalf of Patrick Packenham, 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 Packenham'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 & arrest before killing

25-00- ✓ Officer Fagan - 16<sup>th</sup> Precinct.  
25-00- ✓ Officer B. B. B. - 16<sup>th</sup> Precinct.  
25-00- ✓ Officer M. Carrus - 16<sup>th</sup> Precinct.

25-00- ✓ Mc Cabe - " "  
25-00- ✓ Mc Guiley - 20<sup>th</sup> "

info 25-6 ✓ Central Bureau - Office of James McQuinn.  
16<sup>th</sup> Precinct

(B) Fact of killing

July 25 ✓ Robert Packenham - H.D.

✓ F. Rich & Cook " "

Aug 25 ✓ John Pahlman 135 W. 78<sup>th</sup> Street -

Aug 25 ✓ Mrs Alice Pahlman - 135 W. 28<sup>th</sup> Street

N.Y. 11. Mary Packenham - 425 W. 30<sup>th</sup> Street & Annex Paper

info 25- ✓ Dr Gustav Scholer - with Coroner Edmund

info 25- ✓ Exonerated

July 25 ✓ Exonerated  
Exonerated by the Court of Sessions  
in the case of the People v. Packenham

Exonerated by the Court of Sessions

Get the papers at the Court

People v. Prof. Packenham  
Witnesses

25000	✓	Officer Fagan -	16	Acquit
25000	✓	Officer Overman -	16	Acquit
25000	✓	Officer Mr. Carris -	16	Acquit
25000	✓	Officer Mr. Carris -	16	Acquit

(6) Fuck off -

Sept 25 ✓ 7. Robert Jacksonham - H. D.

NF. Rich & Cook

John Cahlman 135 W. 28<sup>th</sup> Street -

$\Delta_{10}$  clus c klci Pahlman - 135 W. 28% inc

N.Y. 11. Mary Packenham - 425 W. 30<sup>th</sup> Street, New York

2. ~~12~~. dr. Gustav Scholer - wita Coronea Edmann

Sup 20 \_\_\_\_\_

2000-2001
 ✓

1911

[illegible]

Ed. Morgan & Sons



0092

212 71

Officer Robert J. Tague. 16<sup>th</sup> Precinct.  
I had a man with <sup>other I. Edgar, Jr. 7<sup>th</sup> Precinct</sup> a reputation, all find  
(out his name)  
was called in by prisoner's son  
on Sunday night <sup>April 2<sup>nd</sup></sup> before the murder  
about 10:30 - PM =

called 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 <sup>Mr. Pohlman</sup> then came out of the  
back room and told me in  
presence of the  
prisoner and his wife and  
Robert Packerham and also  
Pohlman that he struck him  
in self defense - that prisoner  
had a ~~attempt~~ to enter his  
rooms - and had ~~attempted~~  
to strike him with the pitcher.  
That Mr. Pohlman had got the  
better of him and had struck  
him with the pitcher.

I then asked Mrs. 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 - He said he would  
 make a complaint at the pris-  
 oner - 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  
 forgive him - I'll forgive him  
 tonight. Her son Robert said  
 yes, you are forgiving him  
 tonight and the chances  
 are he will cut your  
 throat before morning  
 She says well if he does I  
 can't help it - I have only  
 got to die once -  
 I said I can't lock him up  
 as long as you won't make  
 a complaint -

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

Officer Thomas McGuire. 16 Precinct

ctovr 28<sup>th</sup> 1887 I was called in  
by Packenham. On about 2.30  
in the morning - ~~by him~~

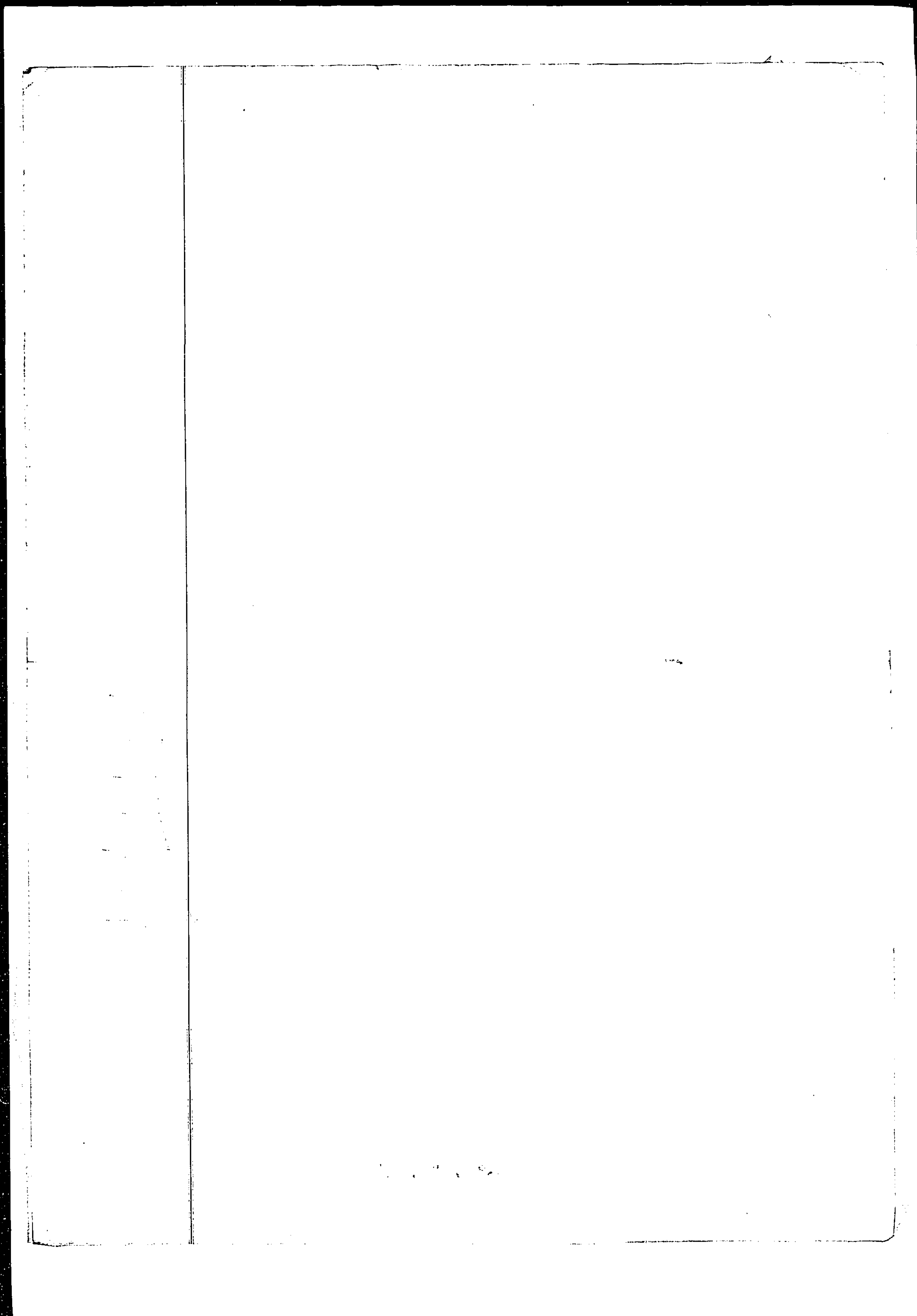
~~Officer Nipm~~ I went up there  
and saw prisoner - we had to  
break in - the boy did it -

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 received a  
complaint upon which he  
sent to the penitentiary for  
12 months in default of \$300  
Bail for his good behavior

0895



Officer Robt Mc Guley 20<sup>th</sup> Precinct

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

I heard cries of murder I ran to corner 27<sup>th</sup> St & 7<sup>th</sup> Ave & met Robt Peckenhams -

He told me his father had cut his mother's throat -

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

I went to Peckenhams room - found door locked - I broke the door in and found Peckenhams 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" "He made no reply -"

0897

2.

We had a struggle to get him down  
stairs - Officer <sup>J. McCabe</sup> Carr came  
helped me - took prisoner to  
Station

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

Told him he had killed his wife  
He said he didn't care -



Officer McCabe - 16<sup>th</sup> Precinct -

On apr 2. about 14<sup>00</sup> Am. I was on 8<sup>th</sup> Ave & 27<sup>th</sup> Street. I heard cries of murder on 27<sup>th</sup> St.

I went up 27<sup>th</sup> 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 P's room - 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 un-  
~~packed~~

0099

The People

vs.

Packman

Readers Charge

Selected issues  
are for Dec 20/88

AS

Jan Dec 21/88

0900

*Pepper*  
*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"



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

09 14

471

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 <sup>was</sup> 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."

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"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-

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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

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.

## 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

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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.

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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.

~~That the prisoner, Frankham, killed his wife on the 2nd day of April 1888, that he was then a man of about 60 years of age, and apparently in good physical health, was a former 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~~ engaged in his occupation as printer, and that previous to <sup>his imprisonment</sup> ~~that time~~, for a period of four or five years he had frequently quarrelled with his wife, beaten her and threatened her life; that on one <sup>occasion</sup> ~~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~~

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2.

His imprisonment above referred to, he was supplied with no liquor whilst in prison ~~was~~ ~~not~~ under medical treatment, nor complained whilst there, of ill health, excepting on two ~~occasions when the doctor~~ ~~called from time to time~~ that he took and received regularly the ordinary prison fare; that he was orderly and obedient; that he was discharged on ~~about March 29<sup>th</sup> 1888~~ ~~two or three~~ days before the killing and came home; that on the evening of 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 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.<sup>25</sup> 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 1<sup>st</sup> the prisoner  
 quarrelled 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 was going to 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 a hell of a 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  
 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 intervened and the  
 prisoner said to him "why you



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little more itok, it would  
you like to be threatened if that  
widow - I don't know you now;  
I have very little to do with  
to stay in the house; that the  
prisoner was free to this time  
made an agreement to go to  
work in the following morning  
that on the same morning evening  
the prisoner started to do some  
business of his own (I don't  
know what he had sent the in-  
terlock, and 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's 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 a bit nervous in 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 her with the pitcher; that a struggle ensued between the prisoner and Pahlman for the pitcher in the process in 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 Tagon about  
 10.30 PM, that the latter met the  
 prisoner in his room, that the  
 officer asked him what was the  
 matter, the <sup>prisoner</sup> said: "Look at the  
 state I'm in, all covered with  
 blood" and ~~stated~~ <sup>stated</sup> the Pohlman  
 took with the pitcher; that Pohl-  
 man 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,  
 her son stating "You are forgiving

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him threatened before mentioning  
 "he will cut your throats"; that  
 the officer left hanging from the  
 prisoner in bed where he promised  
 taking the officer's 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 after the~~ ~~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 ordered them out of  
 the room; Cook asked him who  
 sent 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 morning  
 of April 2 whilst the deceased and the two

9.

boys were in the kitchen of  
 prisoner's rooms the prisoners  
 threatened and abused because  
 that deceased and the boys were  
 afraid to go to bed for fear the  
 prisoner would kill them in their  
 sleep. That a buck 120 man etc  
 threatened and her children were  
 afraid to go to bed for fear the prisoner  
 and he was compelled to call in  
 Officer Davis, that he asked him  
 to arrest the prisoner, that prisoner  
 then went upon his knees before  
 deceased 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 deceased said she would give  
 him and this 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 sitting there with deceased  
 when the prisoner about two minutes  
 after the affixer had left came into  
 the kitchen in his underclothing  
 and looking at 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 room.



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D

# Ann didn't  
deceased "Elaffie,  
you have done  
this to  
let me know  
that you are  
deceased and  
you are not  
I did not  
not be here  
Now for  
to be safe go  
to be safe don't  
raise any more  
trouble" that  
prisoner answered  
"Yes, I suppose  
will have to  
and this other  
before I 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, "Elaffie, 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~~



0945

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 <sup>exclaiming "I have done it"</sup> 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 <sup>ran through</sup> ~~ran into~~ the hall, ~~knocked upon the door of Pohlman, who arose and let her in; she had a~~ <sup>Pohlman's</sup> ~~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 "come to take him down stairs" -

~~Samuel had got into  
some trouble about 20 years  
ago. The printer had a stroke, he  
that he was at, and one or two  
common strokes on the head with  
a cane or stick, and that in the  
last 30 years he has been  
allowed to drink, and  
perhaps he has been  
drinking - I don't know.~~

0947

14

that he gave his name, address, the place where he was born, & stated his business as painter. He said that he was married, that he complained to the sergeant that he was afraid that he would lose his job, and would not give him a chance to find another job; that between the hours of 4 & 5 of the morning he was in the cell prison. He stated "I can't live off a woman's wages the children have been living off her back side. I hate her very much. I stated 'she kept a home of infamy while I was away' and when asked why he said his wife told him "Why didn't she leave me alone" - I read newspapers and I don't want to answer any questions; that that when the prisoner was about 30 ~~off~~ <sup>or</sup> years before the killing the prisoner stated he had

# ~~max~~ ~~these~~  
~~occasions~~  
~~he was~~  
~~acted in~~  
~~a paternal~~  
~~manner.~~

0948

15

A Samboke; that he was  
also an <sup>Abut, 2000</sup> ~~man~~ <sup>man</sup>  
struck on the top of the  
head with a <sup>stick</sup> ~~stick~~  
and that for the last 30 years  
he has been accustomed  
to ~~be~~ <sup>be</sup> ~~making~~ <sup>making</sup> ~~only~~ <sup>only</sup>  
beans - ~~that~~ <sup>that</sup> ~~he~~ <sup>he</sup> ~~has~~ <sup>has</sup>  
~~been~~ <sup>been</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~same~~ <sup>same</sup> ~~place~~ <sup>place</sup>  
~~the~~ <sup>the</sup> ~~same~~ <sup>same</sup> ~~place~~ <sup>place</sup>  
~~that~~ <sup>that</sup> ~~he~~ <sup>he</sup> ~~has~~ <sup>has</sup> ~~been~~ <sup>been</sup>  
~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~same~~ <sup>same</sup> ~~place~~ <sup>place</sup>

determining these facts to be  
proved ~~was~~ <sup>was</sup> without any  
reference to any thing except  
the ~~statement~~ <sup>statement</sup>, was the person  
who ~~had~~ <sup>had</sup> ~~the~~ <sup>the</sup> ~~right~~ <sup>right</sup> ~~to~~ <sup>to</sup> ~~kill~~ <sup>kill</sup> ~~the~~ <sup>the</sup> ~~deceased~~ <sup>deceased</sup>?  
on the 1st of April 1858.

POOR QUALITY  
ORIGINAL

0949

Pipe  
2.1m  
Hypodermis  
Cauter

Peaplev. Pakenham.

Officer Wm Carruth - 16<sup>th</sup> Precinct -

On Apr 2 1888 I went on duty at  
12 o'clock - 27<sup>th</sup> Street between 7<sup>th</sup>  
& 10<sup>th</sup> Avenues -

I

About 1.15<sup>any</sup> a servant to call  
from Robt Pakenham, an apprentice.  
I went to house 212 W 27<sup>th</sup> Street -  
I met the deceased at the door,  
she said her husband had put her  
& the children out - Said he had been  
drugging.

She asked me to arrest him -  
I went up with the deceased  
& the boy Robt. & ~~Robt & Cook~~  
Pakenham occupied front  
rooms on the 2<sup>nd</sup> 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 lock him  
up. His wife said she would  
Told him to put his clothes on  
He got his pants - then got  
down on his knees <sup>before his wife</sup> and begged

12

~~author~~ 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 26<sup>th</sup> St & 7<sup>th</sup> Ave -

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

I went up to Packenham'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 -

<sup>gave</sup> 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 14

Hofano preferred charge of Homicide  
Took his residence -

4.

Was then locked up - in charge of  
keeper -

IV.

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

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

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

Took the Rayer to the Coroner's  
office -

John Pahlmann - 135 W. 28<sup>th</sup> St. Proc.

On Apr 2<sup>nd</sup> 1888 Resided 212 W. 27<sup>th</sup> St. -  
4<sup>th</sup> floor with my wife -

Previous  
Threats.

I resided in the rear of the Pechenham family on the opposite side - Resided there about six months -

I left the house Sunday Apr 1 -  
about 3.30 PM - Got home about  
9.30 PM -

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 Jagan's room <sup>came into</sup> the hallway -  
~~met~~ Pechenham <sup>came into</sup> the hallway -  
cursing & swearing -

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

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

I grabbed him & the pitcher.

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 appcei Fagan with her  
 Peckenham then went up to his own  
 room - "I heard Peckenham begging his  
 wife not to have him arrested -"

April 10.15 Pm - I saw Peckenham  
 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 - hollowing - 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 & pay little Johnnie

0956

103

Expense" She also said "Holy  
Mary, Jesus & Joseph. said  
this 5 or 6 times - I put down  
~~down~~ - I saw her 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: 28<sup>th</sup> premis 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 on 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.

2

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  
after 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 room -  
I attended the funeral she was  
interred at Calvary



Robt Fickenhaw. -

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 35<sup>th</sup> 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 rushed up from the street and broke open the door, and rescued ~~her~~<sup>my</sup> mother -

The prisoner came home about Friday At ~~July~~<sup>March</sup> 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 -

2

He did not to her -

Saturday he got 1<sup>25</sup> from an  
old bar man Carter - and spent the  
money for drink - etc

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 inside - my  
father was home -

Lagaw went out about 7 PM -  
Promer said he was going away in the  
mornig -

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

My father was cursing and abusing mother  
Called her "North of Island whores"

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 I'd sent me out to bring in 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 <sup>of Police</sup> came up -

This was between 10 & 11 PM - My mother immediately made a charge against him - The officer then left -

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

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 Maria - 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 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 "Hilfs" out the window and officer <sup>Tafelberg</sup> 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

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 quarrelling 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 penicillin 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 policeman - 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 because  
he had - 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 <sup>before my mother</sup> 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  
got it for him - and filled it and  
gave it to him. He lit it and  
smoked a little -

He went into his bedroom



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 up here to have me arrested - haven't 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 don't be passing 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 him



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 Dick 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 got hold of 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 afterwards -

✓ Richard Cook - Only knew presence

3 days -

Corroborates the above.

Many Parkersham-

My father was a Saints by name -

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

Saturday night he was, according mother until my brother came home -

I left the house 10 minutes of a Sunday morning - April 10<sup>th</sup>

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

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

Saw prisoner in Sept 1888 - said he was <sup>for it</sup> 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 4<sup>th</sup> Ward of the City ofNew York, in the County of New York, this 9<sup>th</sup> day of April

in the year of our Lord one thousand eight hundred and 88 before

Ferdinand Eidenman Coroner,

of the City and County aforesaid, on view of the Body of Margaret Packenham  
lying dead atNine 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 saidMargaret Packenham came to her death, do  
upon their Oaths and Affirmations, say: That the said Margaret Packenham  
came to her death byShock 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  
Packenham at their residence 212 W. 27<sup>th</sup> St. on April 2/88 about  
1 P.M.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 14. 1 St.

Jacob Leus 203 2nd St.

Louis Amstutz 17th St.

Abraham Tennen 174 2nd St.

Leopold Hogen 189 2nd St.

John Wiener 146 1st St.

Henry C. Meyer 94 10th St.

Nathan Rosenbaum 112 E. 4th St.

Ferdinand Eidenman

CORONER, T. S.

## Coroner's Office.

## TESTIMONY.

Officer William Quinn North, Resident-Constable  
 at No. 212 W. 27th St. New York City, was on  
 duty on 11th, 27th - 28th, bet 7 & 10 AM.  
 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 prisoner. He  
 was in the room. I went in,  
 he was at that time only.  
 I ordered him to put his clothes on.  
 He was alone, doing 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.

## Coroner's Office.

## TESTIMONY.

up and went and I left, I left  
 later than 10 minutes afterwards  
 An alarm was given that he had  
 cut his wife's throat, when I  
 went up accompanied with Officer  
 McQuinn, 2nd & 3rd of 16th 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. The other officer  
 had pulled off 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 - that  
 he was old & could not live

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

I am a young man of 21 years of age and  
I was born in the year 1867. While I was  
in the room the first time, after  
his wife said that she would not  
make a complaint, I was told him  
to go to bed & keep quiet. He  
went to bed & went to bed before I  
left. I saw him 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 to me that he would never  
again tell me in a word. He also  
said that he did not make any  
other thing further.

William Cairns

Taken before me

this 9 day of April 1887

Richard Pidsman CORONER.



Coroner's Office.

TESTIMONY.

Robert Buckingham being  
212 W. 27th St. New York, the  
son of the defendant, I am a  
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 up for him  
a beer for 25 cents due  
him from his old lease 1777 Broadway  
which he received Saturday. On  
Saturday evening when he came home  
he sent my little sister to the office for  
a pint of beer. On Saturday evening  
I went to the Telegraph office -  
3rd St & 13th Ave. 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. <sup>my father</sup> He sent my  
little sister Alice & Cora for 2  
pints of beer in a tin. My  
mother came in & wake me  
up at 1 P.M. He got my breakfast  
ready - laid a towel on the table &  
went to work. He should be working

Taken before me

this

day of

188

CORONER.



Coroner's Office.

TESTIMONY.

from 1 PM till 4 PM. The undersigned  
in Mrs Henderson 337 10.27.11.  
when she came home in the evening  
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  
sneaking Coors 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 went down.  
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 in  
Sunday evening about 9.30 PM to see  
Dick again at the office. I saw  
him & waited until he got off at  
12 AM & then we went home. My  
mother was in Mrs Pohlmann's room  
& she said to me "For God's sake  
Kale come here" I went in & asked  
her what the trouble was. She

Taken before me

this

day of

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CORONER.

Coroner's Office.

TESTIMONY.

said that father had been fighting  
all day & so soon as I left the  
house he wanted to be a better, &  
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  
~~and~~ 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 / showed  
Mrs Pullman aside &  
grabbed my father by the

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

7

Arrest, when Mr. Polman  
brought his hand his hand  
up level with his forehead.  
& the pitcher went — trying  
to brain Mr. Polman. ~~At~~  
At that time the pitcher struck  
the prisoner on the forehead.  
while, in his hands, these arms  
were not infected by my  
mother or by Mr. Polman.  
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 back her  
up — She did not answer.  
Then my father got partly down  
on his knees & asked her for  
God's sake not to back him.  
Arrested again, my mother  
said "All right but say no 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.

0976

Coroner's Office.

TESTIMONY.

father would cause any more  
disturbance for to let him know  
- he would come & see him up.  
After Parris 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 & damning my mother  
& all of us. He said "Maggie  
you live you best to time me  
looked up this time. Did it?"  
He 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 a good woman  
& drink are before I go to bed  
with that disrespectful manner."

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

I behind his back & I feared  
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 & pulled for Dick  
to come & help me Dick  
jumped up & me 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 this time. I identify  
the razor as the one that my father  
was deceased with, I am not sure about  
the handle. The 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  
him, 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

handed & broke it off & then  
Dad ran down & followed  
"Murder" In a minute or so  
after ~~the~~ 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 of the razor  
I then ducked my head & ran  
out, I ran down stairs screaming  
"Murder & Police!" When I  
got to the door I ran down  
the line & there I met some  
officers. One of them asked  
me what the trouble was, I  
told him my father had cut  
my mother's throat, He sounded  
his club & brought 3 or 4 more  
officers to him, & they went up  
stairs & for the my father out  
down stairs. My mother was  
then lying in Mrs. Williams room  
to which she ran when she was  
cut. She was sitting in a place  
on the bottom of the  
stairs. My mother  
was sitting in a chair near the

Taken before me

this day of

188

CORONER.



Coroner's Office.

TESTIMONY.

I recall my father was standing  
 in the kitchen with my mother  
 and I were there, I was  
 sitting in a cradle about 4 ft  
 from my father. My mother was  
 sitting right opposite my mother  
 about 6 feet from my father  
 when my father made use of  
 the vulgar expression, "I  
 my father put his hand  
 behind her. He's hand then  
 clasped her side & I  
 saw something. I then  
 jumped on his shoulder  
 behind. Then my father  
 jumped on my mother as  
 she was rising from the chair  
 and took her by the  
 arm. He jumped on my  
 father too. My father had  
 the razor in his hand & had  
 my mother up against the  
 wall. He then pulled her  
 down. My father put my mother  
 back & hit him as soon as  
 my mother was out, we could  
 not pull her away. Both of us  
 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 go after. My  
mother did not say a word.  
Have not talked this matter  
about 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 1 o'clock to 3 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 Munay  
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 Henry  
no time. My father never sent  
me money to get time. I sold  
the farm or that I was going to leave  
and was arrested for vagrancy  
and to Henry's refuge for  
work. Another young fellow to  
went around he had 15 cents I got  
the same amount.

Kober's Testimony.

Taken before me  
this 7 day of April 1886  
Richard L. Lusk CORONER.

TESTIMONY.

*Taken before me*

day of

CORONER.

Coroner's Office.

TESTIMONY.

Then Mrs. Buckingham said she saw  
John [unclear] who came up  
stairs & she was going to [unclear] [unclear]  
unlocked. He got down on his knees  
& begged for God's sake not to be  
sent back to prison again as he  
was after doing 4 months. Then  
Mrs. Buckingham said "say so"  
in for God's sake I'll give you  
another chance. "I have got my  
trunk packed & I'll get away  
early in the morning," & then  
the Prisoner on his knees said  
said "Maggie you save your  
best for me just say again"  
Then he walked out of the room  
again in 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. Here the father caught  
Mrs. Buckingham by the neck,  
by the left hand & cut her with  
the right <sup>hand</sup> ~~hand~~ <sup>and the hand</sup> noticed blood.  
At the first time in Mrs. [unclear] room  
there was a struggle between the  
Prisoner & 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.  
Patterson. She had her hands  
up to the sound & screamed.  
I then ran for a policeman.  
I talked this matter <sup>over</sup> with Robt.  
Patterson. I am sure the  
Deputy said "Maggie, you have  
a very strong look in your eye."  
Robt. jumped on his father's shoulder  
as he rushed for the mother.  
Robt. was on the father's shoulder  
when he cut his mother deceased.  
I then immediately Robt. my hand &  
released me. I went for Patterson  
after the killing was done. I  
grasped him & said "Let her  
go." I gave him a punch on the  
eye & so did Robert. There was  
a struggle between Patterson &  
Robert & I intervened. It lasted  
about 10 minutes.

Richard Cook

Taken before me

this 9 day of April 1888

Andreas Dickman CORONER.

TESTIMONY.

*Taken before me*

188.

CORONER.



0986

Coroner's Office.

TESTIMONY

When I saw it the prisoner told  
Mr. McKimpham. The last time  
at the prison he had in his  
hand a small paper  
of which I had. When I had  
up to it. There it down  
stairs. Then Mrs. McKimpham  
came up. She heard the noise  
the man down stairs & got an  
officer. Mr. McKimpham was  
then in his own room. I was in  
my room. The officer said "What  
is it?" He said "Put on your  
clothes" Mrs. McKimpham  
suggested to go down stairs  
to see what I heard all this, then  
the officer went down stairs &  
Mrs. McKimpham went down stairs  
also. Then Mr. McKimpham came  
up again & called me with him  
as he had before & I had the  
door open & I saw something  
shiny in his hand. He was in  
the hall way Mr. McKimpham  
said "Rabbi if father  
had got a revolver in the house  
he said 'No', I said I saw something  
in his hand & I don't know what

Taken before me

this day of

188

CORONER.



Coroner's Office.

TESTIMONY.

It was then Robt. Packham  
came. He saw right away there  
was something up & then he went  
into Mrs. Packham's room & then  
Robert went in too, where Robt.  
& Dick were in the matter was  
abroad, she went in, then because  
the doors were closed, I went in  
and heard a woman "Murder  
Murder!" I got up out of bed  
I opened my door, then I saw  
at the door Mrs. Packham & Dick  
& the mother ~~went~~ down under  
my room. The two boys went  
up to the room 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 "My children you give  
this money to little William 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.  
Dick was there when the doctor  
came & he was needed.

Taken before me

this 9 day of April 1885 John C. Adams  
Indiana Coroner

Coroner's Office.

TESTIMONY.

227 No. 27<sup>th</sup> St. at time  
of coroner's inquest I received a letter  
from my sister 9:30. All I saw in  
the letter getting ready. 777<sup>th</sup>  
Prokingsham - I came out of her  
room & I left her place. I  
my husband & not her at the  
door. I went into my room with  
my husband. 777<sup>th</sup> Prokingsham  
was in my room & as he if  
his wife was there, before  
I had time to answer the letter  
the letter on me & my husband  
pushed me on the side. I left  
my husband & Prokingsham  
straggling in the hall & I locked  
the door. I did not keep my  
husband. 777<sup>th</sup> Prokingsham brought  
in her three little children &  
asked me to take care of them  
I kept the little boy & sent  
the other two to a friend's house  
& then told Mrs Prokingsham to  
sit down on my couch. I  
went to bed there. The next  
day I knew my husband called

Taken before me

this

day of

188

CORONER.

0989

Coroner's Office.

TESTIMONY.

me & told me that I was  
working for her but I  
did not speak to me  
I just saw her from her back  
I did not see her face

Alice Fohlman.

Taken before me  
this 9 day of April 1888  
Ferdinand Fohlman CORONER.

TESTIMONY.

*Gustav Scholer* M. D., being duly sworn, says:  
I have made an Autopsy of the body of  
*Margaret Packenham* now lying dead at  
*212 W. 27th St* 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 blood-vessels  
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  $1\frac{1}{2}$  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 June 1882  
*Ferdinand Widmann* CORONER.

0991

9 a 18, 30

F. E.  
No.  
of Dec. 188

AN INQUISITION

On the VIEW of the BODY of

Margaret Jacksonham

whereby it is found that she came  
her death by

Shock from profuse

Haemorrhage

due to severing of the

main blood-vessels

at the back of the neck

Done and signed

Inquest taken on the day  
of 188 before

FERDINAND EIDMAN, Coroner.

Found the deceased  
lying on floor in  
Mrs. Bohrmann'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.

I  
The son in care  
neighboring room  
after being arrested.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
36 Years — Months — Days	Ireland	212 W. 29. St.	April 2. 1888

MEMORANDA

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Patrick P. McMahon* 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. McMahon*

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?

*Nothing to say.*

*Patrick P. McMahon*

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

*Ferdinand C. C. C.*

CORONER.



POOR QUALITY  
ORIGINAL

0993

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
36 Years.	Months	Days.	Ireland	212 W. 27 <sup>th</sup> St.	April 1888

Added 13 - 1888

HOMICIDE.

AN INQUISITION 567

On the VIEW of the BODY of

Margaret Jackson

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

Indict April 1888

Jabrick Jackson



Report taken on the 9<sup>th</sup> day of April 1888 before  
Jerdine and Callahan  
Coroner.

Committed

Obtained

Discharged

Date of death April 24<sup>th</sup> 1888



POOR QUALITY  
ORIGINAL

0994

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
36	Years.	Months	Days.	Ireland	21st April 1888

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Margaret Jackenham

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

Jabrick Jackenham

Indict April 1888

Inquest taken on the 9th day  
of April 1888

Forfeited Coroner.

Committed

Obtained

Discharged

Date of death April 1888

N. Y. Court of Sessions  
Court.

The People vs

AGAINST

Patrick Peckham

Request to change

C. F. KINSLEY,

ATTORNEY FOR

dest

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 Pear Kunkin,

Respondent to charge

C. F. KINSLEY,

ATTORNEY FOR

deft

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

0997

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~~ <sup>shooting</sup>, 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 or 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 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

nm  
y  
1

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

0999

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, 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

1000

17

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.

18

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

19

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.

20

Nil



There are two main types of

William's brother having the same  
name was born on Nov 23. 1887  
and was the 4th son.

on her left but a eye. And the woman who  
was a painter - then, before the  
painting - she was a most faithful  
always, and so the painting was

the subject to be as much as  
the thing. He said he had

again to the same place as before  
but now had collected -

He was captured <sup>from the</sup> on two  
times Jan. 28 & Jan. 30 -

By D. D. Kelley -

Dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.  
I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Signature]  
[Address]  
[City, State]

1003

People  
Jackson  
Nation and  
of Whites

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 Examined from work  
" 29 - Not Excused  
" 30 - Excused  
" 31 - Not Excused*

1005

## The Superintendent of the Work-House

WILL TRANSFER

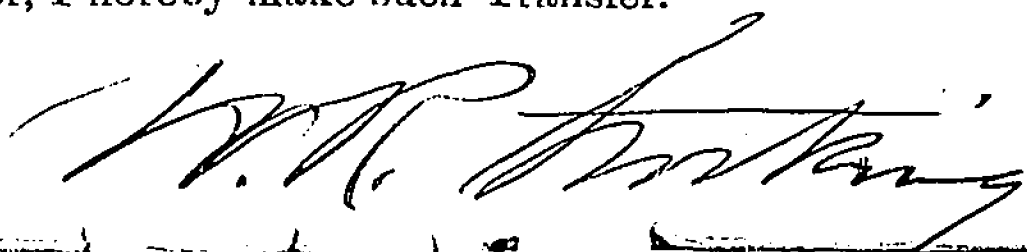
13 Males to the French Work House  
 1 Male Female as Help

Office of Commissioners of Public Charities  
and Correction.NEW YORK, Nov. 30<sup>th</sup> 1887

Commissioner.

NAME.	NATIVITY.	DATE OF COMMIT.	TERM.	BY WHOM COMMITT'D	CAUSE.	No. of times Committed to Work House.
Thomas Johnston	✓ I	Nov 27/87	300 400	German	40- 26	357 227
John Brockton	✓ I	" 29 "	300 3 Mos	"	"	"
Patrick Pothman	✓ I	" 29 "	300 4 Mos	"	"	"
Charles Dunbar	✓ I	" 29 "	300 3 Mos	"	"	"
Roberts Roberts	✓ I	" 29 "	10 Ps	"	"	"
Henry Canale	✓ I	" 29 "	10 "	Polkman	"	"
James Gelchert	✓ I	" 29 "	10 "	"	"	"
Bernard Sweney	✓ I	" 29 "	10 "	"	"	"
Erastus Hall	✓ I	" 29 "	10 "	"	"	"
Theodore Edelmann	✓ I	" 29 "	10 "	"	"	"
Michael Healy	✓ I	" 29 "	10 "	"	"	"
Patrick Reilly	✓ I	" 29 "	10 "	"	"	"
John Golden	✓ I	" 29 "	10 "	"	"	"

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



Superintendent.

1006

Notes

John Cuckinham. Committed Sept 16<sup>th</sup>/86 by Commissioner  
 Freeman, House of Detention, 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 15<sup>th</sup>/86

Patrick Cuckinham. Committed Nov. 29/87 for 4 months in  
 default of \$500 bail by Justice Sweeney 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, Randal's Island Nov 30/87.  
 Discharged at expiration of term March 29, 1888.

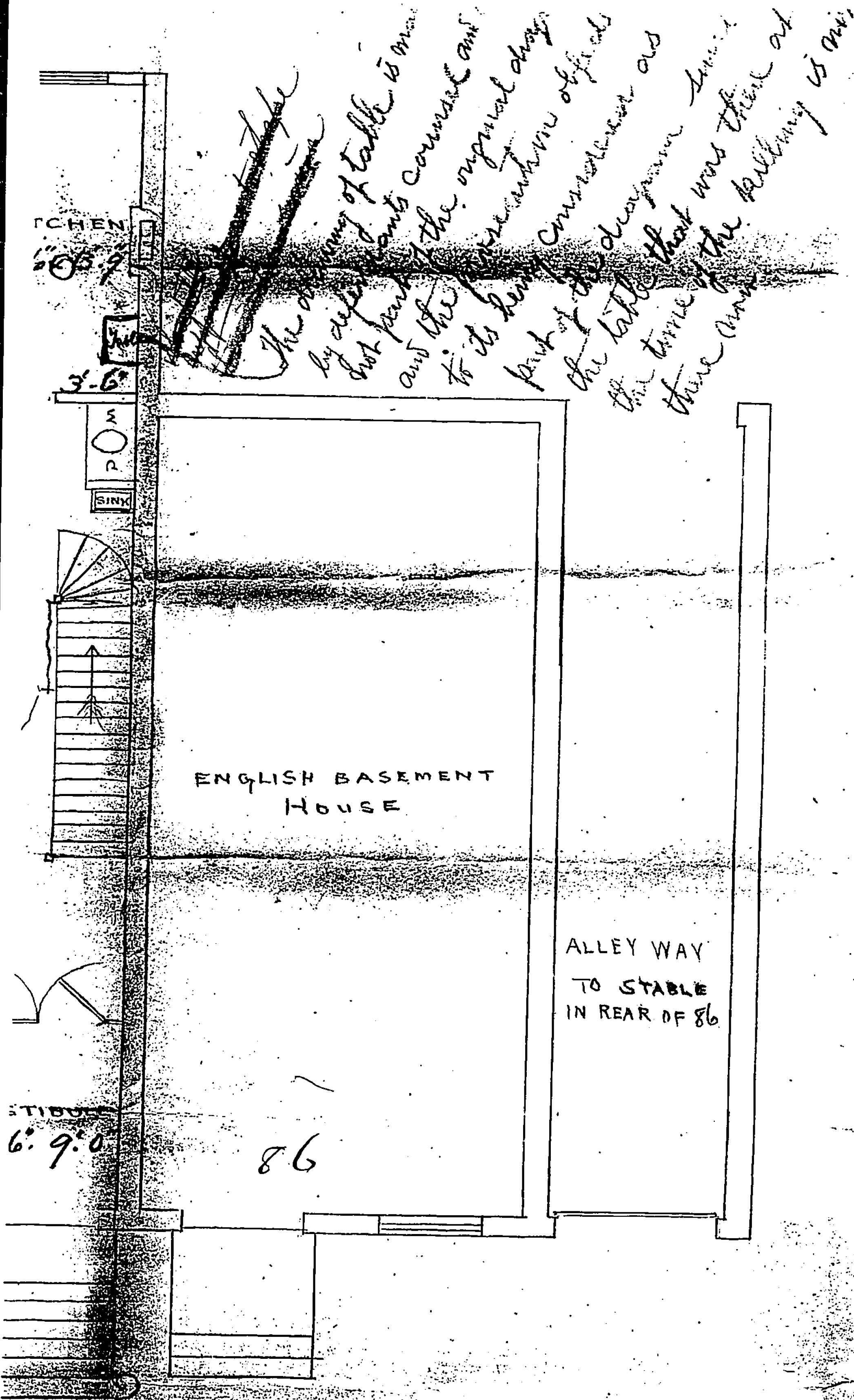
I do hereby certify that the foregoing is a true copy of the  
 records of this institution as regards, the persons therein  
 mentioned.

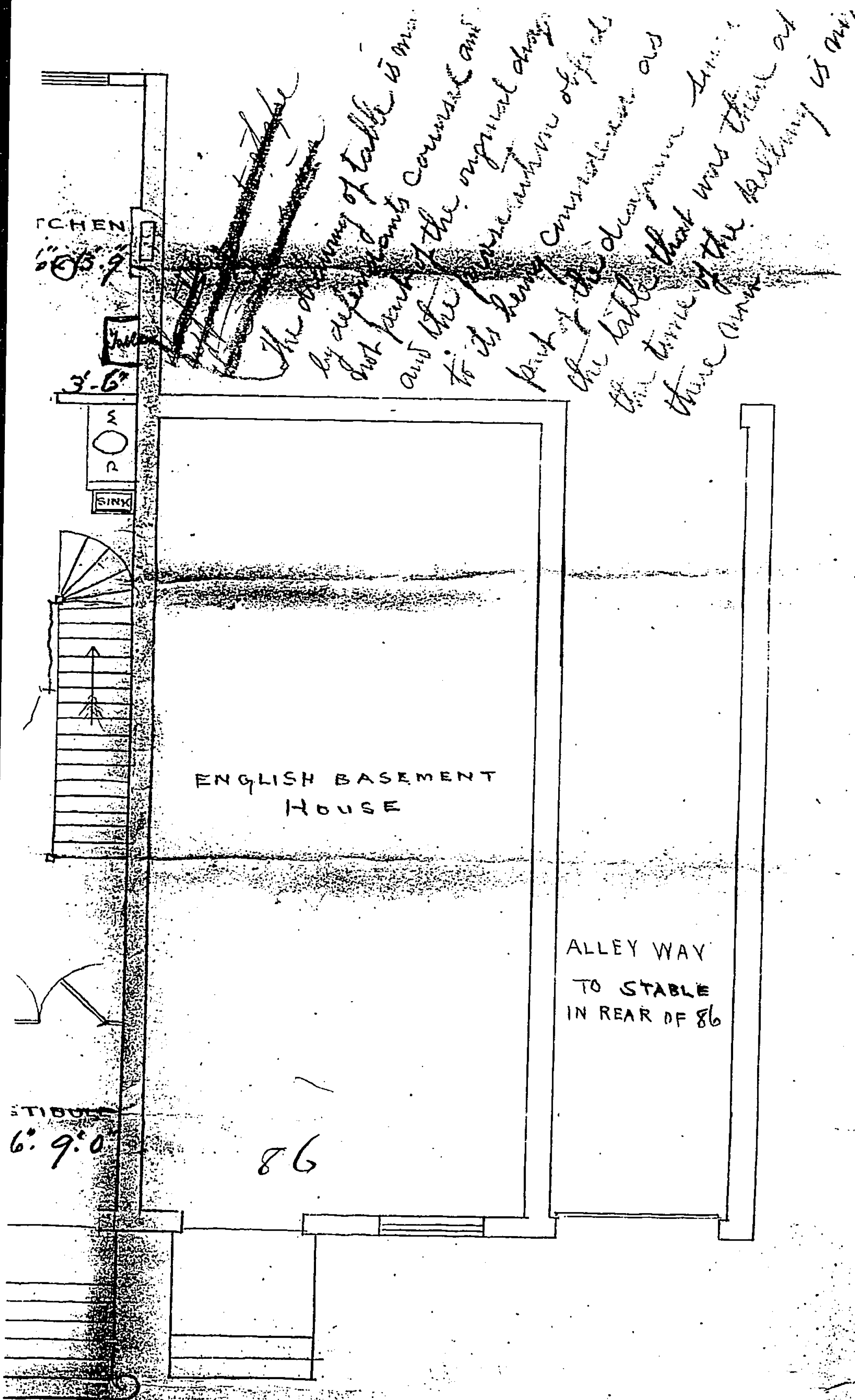
Work House. W. I.  
 New York Nov 5<sup>th</sup> 1888.

Wm. R. Stocking,  
 Superintendent.

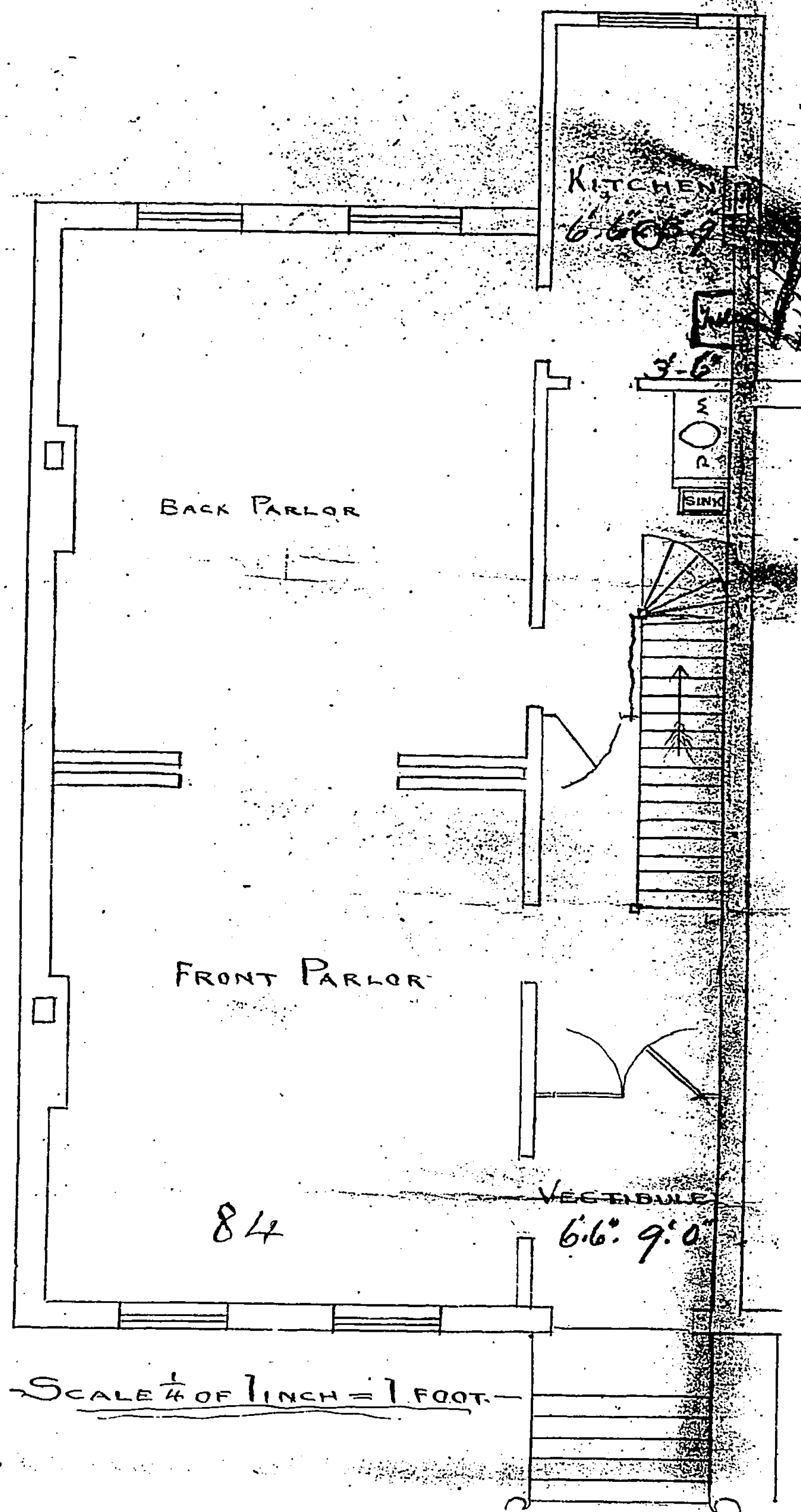


1008

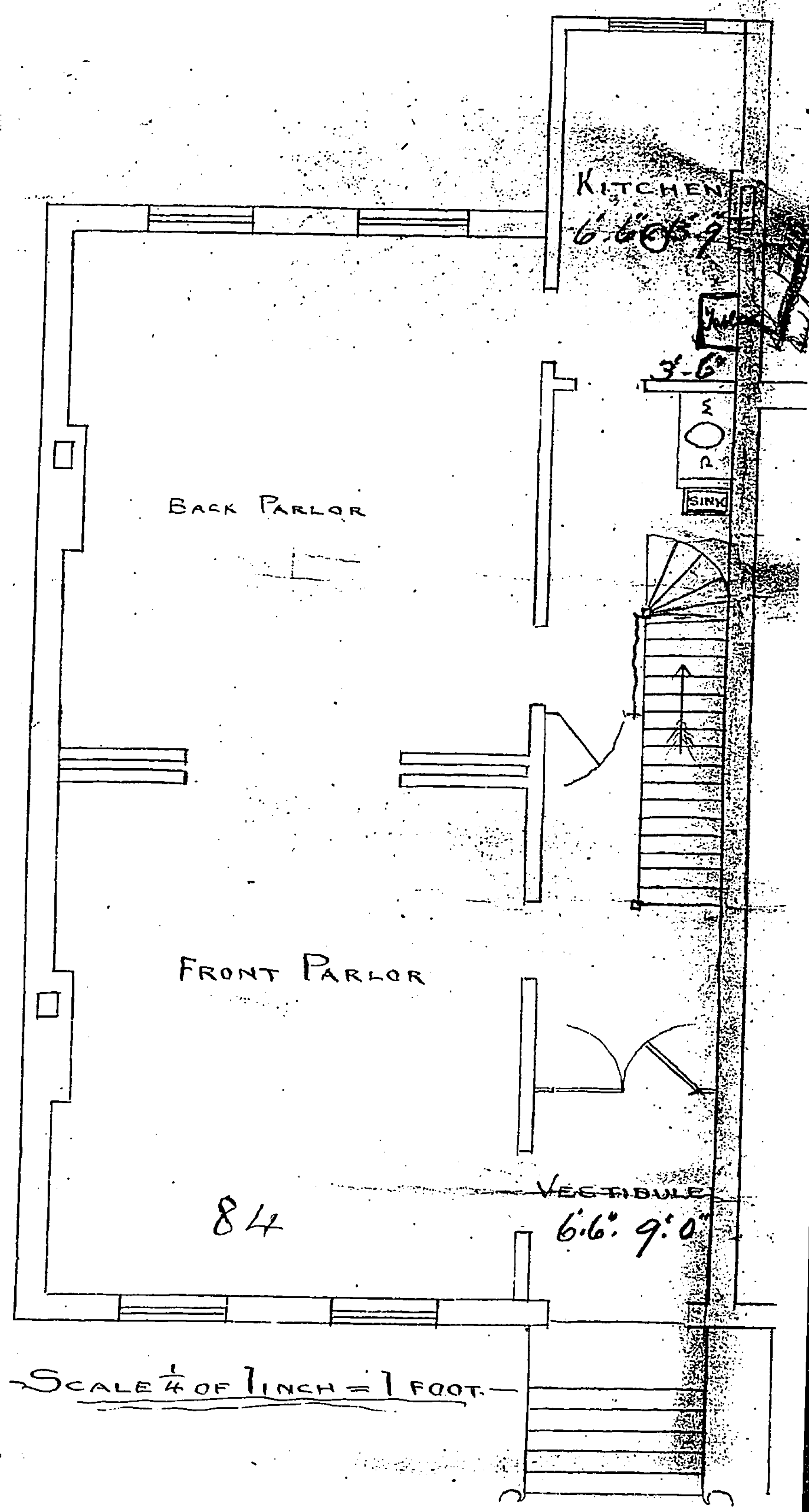




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10 1 1





10 12

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

Coroner's Office  
67 Park Row,  
New York  
with which the cat has been found  
Inquest held April 9th 1888. by Coroner O'Meara

Coroner's Office

67 Park Row,

New York

Dr O'Meara

Bullet found in the body of Miss Jackson  
(C.C.) at St Vincent's Hospital, July 17/88  
Present Drs Kennedy, McCabe & Medical Staff

Coroner's Office

67 Park Row

New York

with which the cut his wife's throat  
Inquest held April 9th 1888. by Coroner O'Meara



10 14

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 <u>exactly</u> 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

*Patricia Cadanham*

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

*Patricia Cadanham*

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

The said *Patricia Cadanham*,

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 Cadanham*,

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

*Patricia Cadanham*, *her*,

the said *Margaret Cadanham*, with a certain *razor* —  
which — *she* — the said *Patricia Cadanham* in  
*his* right hand then and there had and held, in and upon the *neck* —  
of — *her* — the said *Margaret Cadanham*  
then and there wilfully, feloniously, and of *his* malice aforethought did strike,  
stab, cut and wound, giving unto *her* the said *Margaret Cadanham*,  
then and there with the *razor* aforesaid, in and upon the *neck* —  
of — *her* — the said *Margaret Cadanham*,  
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 Cadogan  
~~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.

And so the Grand Jury aforesaid do say: That the said *Patricia*  
*Radabaugh, her* \_\_\_\_\_

the said Margaret Cadogan, in the manner and form, and by the means aforesaid, wilfully, feloniously, and of his 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  
 \_\_\_\_\_ *Richard Cadogan* \_\_\_\_\_  
 of the same CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said Patricia Bachman, \_\_\_\_\_

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 Cadanham, —

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 Cadzantham. did make another assault, and the said Patience Cadzantham, her, the said Margaret Cadzantham, with a certain razor — which she the said Patience Cadzantham in

His right hand then and there had and held, in and upon the neck  
 of her the said Margaret Cadnerham,  
 then and there wilfully, feloniously, and with a deliberate and premeditated design to effect  
 the death of her the said Margaret Cadnerham, did strike, stab, cut and  
 wound, giving unto her the said Margaret Cadnerham, then  
 and there, with the razor aforesaid, in and upon the neck  
 of her the said Margaret Cadnerham,  
 one mortal wound of the breadth of one inch and of the depth of six inches, of which said  
 mortal wound her the said Margaret Cadnerham, 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--~~ ~~, at the City and County~~  
~~aforesaid, of the said mortal wound did die.~~

Her and there died.

And so the Grand Jury aforesaid do say: That the said Colinda  
Cadnerham, her,  
 the said Margaret Cadnerham, 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 Cadnerham,  
 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**