

0347

**BOX:**

407

**FOLDER:**

3768

**DESCRIPTION:**

McGonegal, Henry G.

**DATE:**

08/06/90



3768

0348

**BOX:**

407

**FOLDER:**

3768

**DESCRIPTION:**

Shaw, Fannie D.

**DATE:**

08/06/90



3768



0349

**BOX:**

407

**FOLDER:**

3768

**DESCRIPTION:**

Harrison, Augustus

**DATE:**

08/06/90



3768

0350

POOR QUALITY  
ORIGINAL

brother indictment having been found  
September 18, 1890 against the defendant Fannie  
D. Shaw arising out of the same cause  
action.

This indictment as so said indicted  
Fannie D. Shaw in the above named case.

Witnesses:

*Halliday*  
*Sadie Mayberry*  
*Albert Harris*  
*Cornelius Merritt*  
*Judson J. Mott*  
*Dr. Conway*  
*Dr. Nagle*  
Chy. Bail fees  
at \$2000. -  
no 2. \$3000  
no 3 \$7500

The evidence taken upon the trial  
of defendant *McGonegal* being  
the evidence in the possession of the  
People would not warrant the conviction  
of defendant *Harrison* and I therefore  
recommended the dismissal of the indictment  
against *McGonegal* and *Harrison*  
Sept. 30. 1890  
No. 3 Bailed by *John E. Berger* Dist. Atty.  
221 West 10th St.  
*John Harrison*  
236 E. 35th St.

Witness *Cor. Merritt*  
by *Fred C. Oschner*  
156 E. 128th St.

*Birdsell*  
142 Oliver & Keller  
#3 Trust & Grandall  
93 Nassau

Counsel

Filed

day of Aug 1890

all Pleads Not Guilty (7)

THE PEOPLE  
vs.

*Henry G. McGonegal*

*Fannie D. Shaw*

*Augustus F. Harrison*

Part 2 - Oct. 1 1890 JOHN R. FELLOWS.  
Dist. Atty. and Comptroller District Attorney.

See endorsement of  
A TRUE BILL  
10th St. 13

23. Oct 15. 1890  
14 220 St. 13  
Foreman.

on Sept 15  
Care set  
down for  
Sept 22  
J. S. B.

*Handwritten notes in margin:*  
Handwritten notes in margin.

15

0351

(1)

State of New York {  
City & County of New York { ss

Amie Belmore of No. 2264-  
4th Avenue New York City being duly  
sworn deposes and says that on  
the 16th day of February 1890 at the City  
of New York, her step father Peter  
Stops on her behalf caused the  
arrest of William S. Bellis and Henry  
Mc Gough (both now here) for com-  
mitting upon Deponent a criminal  
abortion in violation of section  
294 of the Penal Code of the State of  
New York:

I had known the said William S.  
Bellis for about ~~three~~<sup>two</sup> months prior  
to the 28th of July 1889 and from about  
the 1st of July 1889 I had kept company  
with him during that time he often  
expressed affection for me and  
asked me to marry him to which  
I assented and it was understood  
between us that we were to be married  
although the day was not fixed. On  
the 28th of July 1889 I first had  
connection with said Bellis and  
twice after that date I did so  
relying upon the promise of the  
said Bellis that he would marry



0352

(2)  
me - In the latter part of the year  
1889 - in ~~November~~ December I think  
I first became aware of the fact  
that I was pregnant and I at  
once wrote to said Billie inform-  
ing him of that fact. I never in  
my life had sexual intercourse  
with any one except the said  
William S. Billie. On Thursday  
evening February 6<sup>th</sup> I met the said  
Billie at the corner of Rivington and  
Allen Streets - we met there by an  
appointment made the night before.  
The said Billie took me to the resi-  
dence of Henry M<sup>c</sup> Gonigle whom he  
said was a doctor in 123<sup>d</sup> Street  
between 7<sup>th</sup> & 8<sup>th</sup> Avenue - The doctor  
was not at home & we both waited  
while ending up in the train Billie  
told me he had already made the  
appointment - for that evening  
with the doctor. After the doctor came  
he spoke to Billie who said "this  
"is the young lady I told you about"  
The doctor Henry M<sup>c</sup> Gonigle then  
turned to me and said May I ~~see~~  
speak to you a few minutes in the  
other room I went with him in

0353

3

A front room he closed the door  
Bills remained in the rear room  
The doctor Henry McQuigle then  
asked me how long I had been  
pregnant. I told him about 2  
months. He then told me to stand  
against the door. He put his hand  
under my clothes he told me to  
stand with my limbs apart. I felt  
him put something in me which  
he held in his hand. He asked me  
if I felt anything I told him I did.  
He said that would make me all  
right. I felt as though I had received  
a shock of electricity. It felt as  
though something was turning in me  
and then he drew it out. After he took  
it out he ~~washed~~ took a towel and  
appeared to be wiping something  
which he afterwards put in a  
case on the table. The doctor then  
stated that I would not feel anything  
then but that I would about Saturday.  
He gave me some ~~for~~ white powder  
and told me to divide it into 3 parts  
to put one of the parts into a  $\frac{3}{4}$  glass  
of water. And that if I had pains or  
anything the matter with me to take  
three teaspoonsful every <sup>two</sup> hours and



0354

if I did not have any pains & take it every three hours. He then took me into the other room where Bellis was. He explained to Bellis the manner in which I was to take the medicine and Bellis wrote it down in a memorandum book which he carried. We then went away together. On the following day I experienced faint chills and sickness at the stomach. On the following day Saturday I was much worse. I remained in bed all day. On Thursday when Bellis & I parted - after the operation had been performed he told me to meet him on Saturday evening at 7 at 23<sup>d</sup> St + 3<sup>d</sup> Ave. because the doctor had told him if the operation was not successful to bring me again on Saturday night. I met Bellis pursuant to that appointment. I told him I had been sick and that I had commenced to "flow" that afternoon between four & five o'clock. He asked me to go to the theatre and we took the 3<sup>d</sup> Ave car for that purpose. I was taken very sick in the car and told him I could not go. We got out at 14<sup>th</sup> & took the Edwards and he brought me home. I was sick &

0355

(5)

the stomach and vomited I lived  
there at No. 127 Forsyth St. That  
night I became much worse. On  
Sunday morning I was a little better  
but still sick to the stomach and  
"flowing" - The following Wednesday  
I was attended by Dr. Cramer.  
Up to that time I had taken Dr. McConigle's  
medicine - Dr. Cramer gave me  
medicine & took - That evening  
Billis called - he told me to throw  
Dr. Cramer's medicine out of the  
window - I was worse again on  
the following Saturday and Sunday  
so for several days I have not fully  
recovered from the effects of the  
operation.

I charge the defendants William  
S. Bellis and Henry McConigle with  
having on the 6<sup>th</sup> day of February 1890  
committed <sup>the</sup> ~~the~~ <sup>criminal</sup> abortion on  
me at No. 227 West 123<sup>rd</sup> Street N.Y.C.  
in the manner & under the circumstances  
above set forth And I further  
~~charge the defendant William S.~~  
~~Bellis with the offense of seduction~~  
~~under promise of marriage~~  
~~under section 284 of the Penal Code~~  
Annie Bilmore

Given before me  
this 25<sup>th</sup> day of March 1890  
J. M. Sullivan

John Sullivan

0356

Identified by  
W. J. Bissell  
50 Broadway



0357

Sec. 192.

3 District Police Court

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Charles H. Jaurer a Police Justice  
of the City of New York, charging William S. Bellis Defendant with  
the offence of Mortgage

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, William S. Bellis Defendant of No. 341  
West 23rd Street; by occupation a Architect  
and Joseph F. Dale of No. 566 Walton Avenue  
Clerk Surety, hereby jointly and severally undertake that  
the above named William S. Bellis Defendant  
shall personally appear before the said Justice at the 3 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of \_\_\_\_\_  
Hundred Dollars.

Taken and acknowledged before me, this 26  
day of January 1890.

Charles H. Jaurer POLICE JUSTICE.

W. S. Bellis  
J. F. Dale

0358

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of February  
1881  
Walter Hamilton Police Justice.

Joseph S. Dale  
the within named Bail and Surety being duly sworn, says, that he is a resident and free  
holder within the said County and State, and is worth four thousand Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of House and lot situated

at 566 Walton Avenue. Valued at  
four thousand dollars Chas  
J. S. Dale

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 188

Justice.



0359

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before Jacob M. Patterson a Police Justice  
of the City of New York, charging Henry G. McConnel Defendant with  
the offence of Abortion

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Henry G. McConnel Defendant of No. 217  
W. 123rd Street; by occupation a Physician  
and Minnie H. McConnel of No. 217 W. 123rd  
Street, by occupation a married surety, hereby jointly and severally undertake that  
the above named Henry G. McConnel Defendant  
shall personally appear before the said Justice at the District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty  
Hundred Dollars.

Taken and acknowledged before me, this 17

day of January 1897

Henry G. McConnel  
Minnie H. McConnel

J. M. Patterson POLICE JUSTICE.

0360

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of February 17  
1881  
Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth Seven Thousand Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of House and situated

at 217 W 123<sup>rd</sup> Street valued  
at Twenty thousand dollars  
Clear of all encumbrances

Minnie, H. M. Gonzalez.

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 188

Justice.

0361

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

Third District Police Court.

of No.

Street,

that on the

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

being duly sworn, deposes and says,

day of

1870.

*Peter Stoppes*  
*127 Forsyth*  
*18th*  
he caused the arrest of William J. Bellis and Henry M. Gough (both now here for committing upon Annie Stoppes, defendant's daughter a criminal abortion in violation of Section 294 of the Penal Code of the State of New York for the reasons following, to wit: on the <sup>13th</sup> ~~said~~ ~~date~~ defendant found the said Annie suffering from the effects of an abortion and is informed by Charles J. Kerner M. D. that he, Dr. Kerner examined the said Annie Stoppes and found her suffering from the effects of an abortion.

Defendant further says that the said Annie informed him that on the 6<sup>th</sup> day of February 1870 the defendants Bellis brought her to the defendants M. Gough's House and that there the said M. Gough performed a criminal operation upon her. Whereupon defendant says that the defendants be held to enable him to recover for their grievance.

Sworn to before me } *Peter Stoppes*  
This 17<sup>th</sup> day of February }  
1870 }  
J. M. Patterson Justice



0362

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

3 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this  
day of *Sept* 189*8*

Police Justice.

0363

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

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

Question. What is your name?

Answer.

*Henry G. McConnel*

Question. How old are you?

Answer.

*70 Years of Age*

Question. Where were you born?

Answer.

*New York State*

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

Answer.

*217 West 123<sup>rd</sup> St (1 year)*

Question. What is your business or profession?

Answer.

*Physician*

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

Answer.

*I am not guilty*

*H. G. McConnel*

Taken before me this  
day of *July* 189*9*

Police Justice



0364

LAW OFFICE OF  
JAMES F. PENDLETON,  
120 BROADWAY,  
NEW YORK.

March 18th, 1890

Hon. Jacob M. Patterson,  
Police Justice.

Dear Sir:--

I regret exceedingly that I am compelled to ask your further indulgence by way of a further postponement in the Bellis case, as I am compelled to leave the City to night for Albany, where I have the Fifth case on the Court of Appeals Calendar. I endeavored to procure a postponement of the case but could not obtain the necessary consent of my opponent.

Very respectfully yours,

*James F. Pendleton*

0365

COURT OF GENERAL SESSIONS of the PEACE  
City and County of New York

-----  
The People of the State of New York

-against-

H e n r y G . M c G o n e g a l .  
-----

Now comes the defendant, Henry G. McGonegal into Court, in his own proper person, and moves for a new trial, and for grounds for such motion, alleges as follows, to wit:-

FIRST..That the defendant was compelled to exhaust his peremptory challenges to effect the absence of legally disqualified jurors from the jury box.

SECOND..That jurors who had been challenged for cause and bias, and tried upon both, or either of such challenges, and thereupon proven to be disqualified, were nevertheless accepted, and sworn upon the panel.

THIRD..That after the prosecution had challenged jurors for bias, and had concluded and exhausted such challenges; and defendant had upon his part renewed the same, and likewise proceeded to conclude and exhaust them, and such proposed jurors had, in the trials of such challenges, proven themselves to be legally qualified jurors, -the prosecution was permitted to peremptorily challenge such jurors, and exclude them from the Jury box.

FOURTH..In that qualified jurors were rejected upon trial for bias, interposed by prosecution, because of matters elicited, not within the scope of such challenge.

FIFTH..The Court erred in deciding that Isaac Miller and other jurors, upon the trial of the challenges for cause and

0366

for bias, were properly and legally qualified jurors: he having stated in such trial, that he believed he had read the sworn testimony taken upon the inquest of Coroner Messemmer, and the jury therefor empanelled; and upon such reading had formed an opinion or impression as to the guilt or innocence of the defendant; and which impression or opinion, it would, in the first instance, require evidence to remove, before he could impartially pass upon the evidence to be submitted upon the trial of the Indictment.

SIXTH.. The prosecution was permitted to exercise the right of peremptory challenge, after the jurors in a number of instances, had passed to the defendant, upon the exhaustion of the challenges for cause and bias, and when after a renewal of such challenges, the defendants had likewise exhausted them, and had accepted such jurors.

SEVENTH.. There is not sufficient evidence of the Corpus delicti to justify or sustain a conviction.

EIGHTH.. Even if the evidence were all that the law required to establish the Corpus delicti, there certainly is not sufficient evidence in the cause, if there be any, to justify or warrant a jury in finding the defendant to be <sup>the</sup> guilty agent in the commission of the crime.

NINTH.. There is not the evidence of a single witness connecting the defendant with the commission of the offence charged-, nor do the circumstances relied upon by the prosecution, in any manner justify the legal assumption of his guilt.

TENTH.. The principal and material witness, upon whose evidence the prosecution mainly relies to establish defendant's guilt, is Sadie Traphagen, who testified, in substance, that upon an occasion, to wit: nine or ten days prior to the

death of Annie Goodwin, (the person upon whose body, the offence is charged to have been committed,) she, in company with the deceased, called at the house of the defendant, when a consultation or interview of about five minutes duration, was had, between the defendant and deceased; at which the witness was not present, and of which, she saw or heard nothing; and after the termination of which, the witness, in company with the deceased, left the defendant's home. The prosecution relied upon this evidence as indicating that it was at that time, and during the five minutes absence from the room, in which Sadie Traphagen was left alone, that the defendant committed the offence charged. This evidence was wholly and entirely insufficient to warrant any such conclusion by the Jury; and should not have been permitted to have been by them received as a circumstance tending to establish such conclusion.

ELEVENTH.. The witness, Sadie Traphagen, was, at the best, (even if her testimony in any way indicated the commission of the offence by the defendant, at the time relied upon,) but an accomplice, and her testimony was not entitled to any weight whatever, from the Jury, and could in no manner be relied upon by them, unless it was corroborated in its material features and parts, by such independent testimony as the law requires.

TWELFTH.. There was not such corroboration of the testimony of Sadie Traphagen, in its material parts and features, as to warrant the Jury in considering or weighing it, as against the defendant.

THIRTEENTH.. The gravamen of the charge is the commission of the abortion, in the first instance; if the evidence does not fully, conclusively, and beyond every reasonable doubt, establish the defendant's guilt of that act, - the testimony as to the death of the decedent, - as to the disposition of her body



0368

as to the defendant's association or connection with such disposition-, is of no material importance in the trial of the charge; such circumstances are entirely insufficient in themselves, to justify or empower the Jury, in finding the defendant guilty of the act of abortion charged; and as there is no evidence sufficient to form a conclusive judgment of the guilt of the defendant of that act, - the Jury should have been advised to acquit, in accordance with the defendant's motion at the conclusion of the People's case.

FOURTEENTH.. The Court erred in not granting the motion of the defendant, at the close of the case for The People, to advise the Jury to acquit the defendant upon the ground of the insufficiency of legal evidence to convict.

FIFTEENTH.. There was not sufficient evidence upon the trial, to warrant the Jury in finding, that the cause of death, as set forth in the certificate given by the defendant, was not the true one.

SIXTEENTH.. The uncontradicted testimony of Dr. W S. White, an expert witness called for the defence, that the cause of death could not be determined from the autopsy, and that the rheumatic tendencies apparent in the autopsy, and demonstrated by the People's testimony, raised a reasonable presumption that the certificate set forth the true cause of death.

SEVENTEENTH.. The verdict was against the evidence, and against the weight of the evidence.

EIGHTEENTH.. The Court erred in refusing to charge the certain requests made by the defendant, as it was specifically requested to do.

NINETEENTH.. The verdict was against the law.

W T. Birdsall  
Charles W. Brooke  
Counsel for Defendant.



Court of General Sessions  
City and County of New York

The People vs

Henry G. McLaughlin  
et al

Prisoners for a New Trial

W. J. Biddell

Charles W. Brooke

Counsel for Defendants

Filed Oct 15-1890

0370

COURT OF GENERAL SESSIONS.

.....X  
THE PEOPLE

against

HENRY G. McGonegal and ors.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

WE, whose names are hereunto subscribed do each for himself severally depose and say on oath; I reside at the place set opposite my name.

I have known Henry G. McGonegal for the period set opposite my name. And I have seen him about daily during that period. He is generally regarded as a very skillful and successful physician.

I know of my own knowledge that his life has been one of good works and self denial. I know of numerous cases where he has persistently and carefully attended patients sick with mortal disease or chronic disease daily and sometimes many times a day, month after month, knowing full well that he would never get paid for it. And year after year he has attended and prescribed for poor families faithfully and regularly without pay or reward of any kind.

He is reputed to be a kind hearted and philanthropic man who has never accumulated any property, although his practise is enormous.

Sworn to before me this }  
15th day of August 1898 }  
Edward J. Blair } as my family physician  
Notary Public }  
N. Y. Co. }

0371

1 in hand of  
Mr. G. G. G.  
Stat - 2-2-2-2  
Mr. G. G. G.  
G. G. G.

7



0372

Supreme Court

In the Matter

of

The Petitioners of  
Henry G. Mc Gonnigal

Fannie D. Shaw and

William Davis

Chambers July 1890.

Memorandum

Beach J. Consideration of the Evidence  
before the Coroner and jury, justified  
the following conclusions.

There is an Entire Absence  
of proof, to hold the defendant  
William Davis, and he must  
be discharged from custody.

The testimony bearing upon  
defendant Fannie D. Shaw, ~~and~~  
relative to the removal of the

0373

2

body of Annie Goodwin, after Death, placed her, for the purposes of this application, in the position of an Accessory after the fact, She is therefore held to bail, in the sum of One Thousand Dollars.

With reference to the Defendant Henry G. Mc Guegal, the testimony showing his attendance upon the deceased, at Mrs Collins's house, his removing her to Mrs Shaw's, continuous attendance there, with the harrowing details of the manner in which he disposed of the body, clearly <sup>showing</sup> ~~indicating~~ an effort for concealment,

3

~~The defendant~~ may lead to his indictment and ~~conviction~~ conviction, (unless met upon the trial,) for the crime of manslaughter in the first degree. This is a bailable offence, in the discretion of the Court. The amount of the bond should be enough to secure the defendant's appearance to answer, and ~~the amount~~ is fixed at Twenty thousand dollars, which under the circumstances, seems to me rather excessive or unreasonable.



0375

Expense book  
in the matter

of  
The Estate of  
Mary J. McCreary  
Francis A. Shaw  
& Mrs. Davis

Memorandum

Beach &

(9)

0376

COURT OF GENERAL SESSIONS.

.....X  
T H E P E O P L E

against

HENRY G. MCGONEGAL and ors.  
.....X

Sir:-

Take notice that on Monday, September 22nd, 1890, a Motion will be made before Hon. James Fitzgerald, City Judge of the Court of Sessions in Part III thereof for a postponement of the trial of the above-entitled action and that the accompanying affidavits will be read in support of that Motion.

Dated, September 19th, 1890.,

Yours, &c., Jp

*W. N. Birdseye*

Attorney for Defts. McGonegal  
and Shaw.

Henry C. Allen :  
: of Counsel.  
James Oliver :

To

Hon. John R. Fellows,

District Attorney.

0377

COURT OF GENERAL SESSIONS.

City and County of New York.

.....X  
THE PEOPLE,  
against  
HENRY G. McGONEGAL, FANNIE D. SHAW  
& Ano.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM T. BIRDSALL, being duly sworn, says he is the attorney for the above-named defendants herein. On the first Tuesday of August, 1890, the defendants were indicted for manslaughter in causing the death of one Annie Goodwin, and were arraigned to plead on the 7th day of August, on which day in open Court, the Assistant District Attorney announced that he would not be ready for trial until the middle of September, and on the same day bail was fixed by the Recorder at the sum of \$20,000 for the defendant McGonegal, and \$3000 for the defendant Shaw. The defendants being unable to procure bail in these amounts, and this fact and other facts bearing upon the question of the amount of bail not having been presented to the Court at the time bail was fixed, a notice of motion based on affidavits, was immediately thereafter served upon the District Attorney for a reduction of bail to an amount that the defendants could procure. That this motion came on to be heard in due course before the Recorder



0378

2

on Monday, the 11th of August, and was heard on that day. Deponent and his associate counsel had full confidence in the merits of their application, and entertained no doubt of a speedy decision of the motion favorable to them; that in their judgment the personal assistance of the defendants, when released on bail, was necessary to the proper preparation of their defense, and having at that time more than a month in which to prepare before the case would be called for the prosecution for the first time according to the announcement of the Assistant District Attorney, they felt justified in waiting a few days for the decision of said motion, and accordingly did wait from day to day expecting each day to have the decision until the 2nd day of September. It appears that the Recorder on account of the immense volume of business before him at that term of the Court, was unable to examine the papers on the motion, or to give it any consideration whatever, until the close of the Term, which ended on the 29th of August, and that it was not until the 30th, or 31st, of August that he, for the first time, examined the papers. Deponent learned informally, on the Second day of September, that the motion had been denied; and deponent was unable to get official information of the fact or to learn the terms of the order made by the Court respecting it, until the 8th day of September, and it was not until the 12th day of September that deponent was able to have a copy made thereof. In the meantime and before deponent could ascertain the nature of the decision of the Recorder

0379

3

to wit, on <sup>or about</sup> the 2nd day of September, the case was placed upon the Calendar to have a day fixed for trial, but no proceedings were had on that day, and the matter came on again on the 3rd instant, when on the application of the District Attorney, the trial was fixed for the 18th instant; deponent informed the Court that it would be impossible for the defendant to be ready for trial on that day. As matter of fact, up to that time, the preparation of the defence had not been begun, owing entirely to the facts above stated that the personal assistance of the defendants was necessary and that the counsel had had reasonable hopes of procuring that assistance long before, and had deferred their preparation from day to day, as aforesaid in the confident expectation of being able to procure it.

Meanwhile from the time when the depositions and proceedings before Police Justice Power were filed in the office of the District Attorney on or about the 25th day of July, and from the time the inquisition of the Coroner was so filed, deponent made every exertion by almost daily applications to the office of the District Attorney, for permission to inspect the said official papers, but was unable to see them for the reason as stated by the Chief Clerk from day to day, that they were not in his possession, but in the custody of Assistant District Attorney Bedford, who had them in charge for use in the preparation of the case for the prosecution, and deponent avers, upon information received from the said Chief Clerk and other

0380

4

Clerks in the office of the District Attorney, that at no time, down to the 8th day of September, were the said official papers available to him for inspection, as they were not upon the usual files of that office; the same is true of the indictment, which was with the said other papers to this extent that an inspection of the same, nor a copy thereof could not be procured, although asked for many times, until <sup>about</sup> the 22nd day of August. On the 8th day of September, the defendants' counsel, for the first time, gained access to the official papers in the case, and an inspection thereof, and it was not until the 12th day of September that copy thereof could be completed. Deponent therefore alleges that it was not until the 13th day of September that the defendants were in a condition to begin the preparation of their defence; During the time that defendants' counsel were waiting for the decision of the Recorder upon the question of bail, and while they were daily expecting a decision from him, as aforesaid, they were making almost daily calls upon the District Attorney's office for the said papers.

Deponent further says that from the 13th day of September, when for the first time it was practicable to begin the preparation of the defence, to the 22nd of September, when the case is set for trial, ~~there have been~~ by the Asst. District Attorney there have been but nine days in which to prepare the defence; the defendants are charged with a very grave offense involving the most serious consequences to them, and it has been utterly impos-



0381

5

sible within that short time for defendants' counsel to bring the defense to a condition where it would be safe to go to trial. The case will be found to be a very complicated one involving intricate questions of medical jurisprudence, and the attendance of medical experts is absolutely essential to the defence, and there has been no time, as yet, to bring medical experts into consultation over the questions involved. Deponent further says that there has been no laches: on the part of defendants' counsel, but that every effort has been made that it was possible to make under the circumstances, to prepare for trial, and that they, realizing the necessity of ample time to properly present their defence to this indictment, and to establish the innocence of the defendants of the crime charged therein, sought to obtain the time necessary for that purpose by applying to the Supreme Court for an order removing the indictment into the Court of Oyer and Terminer whereby, as they supposed, they would procure a postponement of the trial until November. Deponent says that this application was not made for the purpose of avoiding a trial, or of damaging the case of the prosecution, but for the reason that they believed, as they now believe, that justice to the defendants demanded ample time for preparation, and their belief that ~~the~~ counsel owed a duty to themselves as well as to their clients, to obtain reasonable time to enable them properly to present their case.

Deponent alleges that but for the loss of time from the 6th day of August to the 18th of September, during

0382

6

which, as aforesaid, he was unable to get access to the official papers in the case, the defence would have been able to have prepared their case and that when it was announced, as aforesaid, by the Assistant District Attorney, that he would not be ready to move the case until the middle of September, deponent expected to be ready for trial when it should be so moved, but at that time he did not anticipate any trouble about inspecting the depositions and other papers before mentioned, and it was not until he had vainly endeavored to procure them by almost daily applications, as aforesaid, until about the 3rd of September, that it became apparent to defendants' counsel that it would be impossible to get ready should the case be set down for the 18th instant as proposed. But the case having been so set by the Court on said 3rd day of September, deponent renewed his efforts to obtain access to the said papers, and was able to procure them only on the 12th instant, as aforesaid.

Deponent therefore states that for the reasons aforesaid, the defendants are utterly unprepared for trial and if compelled to go into the trial on Monday, the 22nd of September, which is the day now proposed by the District Attorney for the beginning thereof, they will have to rely for their exculpation upon the weakness of the prosecutions case, whereas, on the contrary, if proper and reasonable time be allowed them, deponent alleges they will be able to establish clearly their entire innocence of the crime

charged in the indictment. as he verily believes

*Signed to appear me & his*  
*29th day of September 1893*  
*James O'Neill Notary Public N.Y. Co.*

0383

COURT OF GENERAL SESSIONS.

.....X  
T H E P E O P L E  
against  
HENRY G. McGONEGAL and others.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

HENRY C. ALLEN and JAMES OLIVER, being severally sworn, say: I am of Counsel for the defendants McGonegal and Shaw herein. That deponent knows of Mr. Birdsall, said defendants' attorney's efforts to procure their papers and records herein and they are correctly set forth in his affidavit annexed hereto.

That deponent has repeatedly been approached by said attorney upon the subject of preparing for trial herein and deponent has as often advised and instructed said attorney that no proper attempt could be made to commence preparation until he could bring to deponent all the record and papers herein sent from the Police Court and the Inquisition. That up to the time that said papers were obtained there was nothing that Counsel could do towards preparing the defence and since that time inasmuch as but six days were left to get ready for trial, and knowing that it was impossible to get ready to try the case within that time, we have severally instructed said attorney to devote his time to procuring further time, and deponent has devoted his time to the same end.



0384

2

The application for adjournment is not simply for  
delay, nor because of any laches, but in good faith as an  
absolute necessity.

*Generally*

Sworn to before me, this

19th day of September, 1890.

:  
:  
:

*Henry C. Allen*

*James Oliver*

*John P. Rothschild*  
*County Public*  
*Off. Co.*

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

HENRY G. MCGONEGAL, and ors.

AFFIDAVITS AND NOTICE OF MOTION.

W. T. Birdsall,  
Att'y for said Defendants,  
#280 Broadway,  
New York City.

To

Hon. J. R. Fellows,  
District Attorney.

~~Have read~~ *service of*  
the within notice of motion  
and aff'davits *by* *himself*  
admitted

Sept 20<sup>th</sup> 1894  
J. R. Fellows  
District Attorney  
J. R. Fellows

0385

0386

W. J. Supreme Court

The People

Respect

and

Henry G. McLaughlin  
appears

Sir

I take notice that the no-  
tice of qualification heretofore served  
on you for this day is <sup>countermanded and</sup> hereby <sup>with-</sup>  
drawn.

June 1/91

Yours &c

W. J. Richards

Atty for Dyer & Apple

To

Fancy Pierce Esq  
Butcher



0387

Supreme Court

The Lopez

agob  
Henry G. Jackson

Commonwealth  
Jas. W. Jackson

~~W. D. Jackson~~  
W. D. Jackson  
W. D. Jackson

Do the same  
W. D. Jackson

0388

fol 1.

N.Y. Supreme Court  
General Term

The People  
Respondents  
agst  
Henry G. McOnegal  
Appellants.

Sir.

Please take notice that Benjamin H. Tithell residing at 66 West 106<sup>th</sup> Street City of New York will be tendered as Bail for the above named Appellant and Defendants under the order admitting him to Bail herein, and that he will justify as such before one of the Justices of the Supreme Court at the Chambers of said Court at the Court House in said City on the First day of June 1891. at 10 1/2 o'clock A.M. of that day.

Said surety owns in Fee Estate the undivided one half of 6 1/2 acres of land with buildings <sup>out buildings</sup> and improvements, situate at Port Jefferson, Suffolk County New York, valued at \$9,000. The same is not encumbered. He also owns two acres of land at Woodville Suffolk County New York which is free and clear of all encumbrance and is worth \$34,000. The latter property

0389

was conveyed to him in November 1890 by Benjamin Tuthill and wife by deed then recorded in the County Clerk's office of Suffolk County.

Dated May 29<sup>th</sup> 1891. Yours &c

M. J. Durdall

Atty for Deft Rept

280 Broadway N.Y.

Defence Nicole Esq  
District Attorney

Lo

Supreme Court

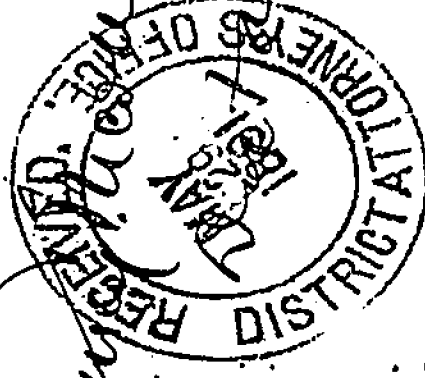
The People  
vs  
agst

Henry & Margaret  
Esq

No Justification

M. J. Durdall

Atty for  
280 Broadway N.Y.



Defence Nicole Esq



0390

569

DEFENDANT	BONDSMAN	OFFENSE	AMOUNT	PROPERTY
McGowan, Mary J. Goodenough Samuel	323 E 127th		5000	Lot 32, R. at front 373 E 173 18x42x100 - demolished in spring of 57 from Goodenough to \$9000. in Dec \$9000 mortgage for \$7000 @ 5% - she was improving alone \$500 (referring) did delivered in her name. title also on stands - no profit in units penitentiary the up-able of some savings. Personal Bonds in 50-00, for Cars 2 as 2 for 3 cars 3 cars daily combine no other
	Nale Anna J.		5000.	no other great trouble Personal property items outside of household 4 in. papers of value \$100 in the representing
	587 Watson Dr 20x44x90. 17000		5000.	the business - 10 ft. center window 16x46x95 2 3/4 ft. thick. 1/4 in. stone. 1/4 in. old. At lot in 16 Perry & Mary in mid 1900 when - house - 1/4 in. stone 1/4 in. stone - 12 miles 1/4 in. stone 1/4 in. stone An couple gained some money more than four of city with outstanding at least \$5000.
561 571 Watson at 17th & 103rd	10500			
10500	9500		9500	

0391

New York Supreme Court  
General Term

The People

Plaintiff and Respondent

Against

Henry G. McInerney

Defendant and Appellant

Sir

Take notice that William John Newman residing at 265 Monroe Street Brooklyn New York, doing business at 242 West 27<sup>th</sup> Street New York will be offered as a Surety or Bail for the above named Defendant and Appellant under the order admitting him to Bail herein. Said Surety will justify before one of the Justices of the Supreme Court at a Special Term thereof at Chambers to be held at the Court House in the City of New York on the Fourth day of June 1891 at 10 1/2 o'clock A.M. of that day.

Said William John Newman owns House and lot No 377 West 32<sup>nd</sup> Street in the City of New York, consisting of a three story Brick House 20 x 45 feet, lot 70 feet deep. The same is in no way incumbered. He also owns House and lot 265 Monroe Street in said City

0392

of Brooklyn where he resides which is in  
no way encumbered. He also owns other  
unencumbered real Estate

Dated June 3<sup>rd</sup> 1891

Yours &c

W. J. Burdall

Atty for Defh. & Appell.

280 Broadway

N. Y.

To

DeGaney McCall Esq

Fish Atty &c.

New York Supreme Court

The People

Respondent

Against

Henry G. McConnel

Appellant

Notice of Justification  
of Bail

W. J. Burdall

Atty for Defh.

280 Broadway

N. Y.

To DeGaney McCall Esq

Fish Atty

Filed June 3<sup>rd</sup> 1891



0393

OWN BURIAL PERMIT

New York, N. Y., 189

Permission is hereby granted to inter the body of

who died at Aged

Y	M	D
1	1	1

on 189 ; cause of death

Interment in Cemetery; Undertaker

Transit Permit No. granted by New York Board of Health

Clerk.

Chief Clerk.

Issued pursuant to Chapter 200 of the Laws

Sec. 204. There shall not be a public or church funeral for any person who has died of small-pox, typhus fever, scarlet fever, or Asiatic cholera, but the funeral of such person and it shall not be lawful to invite or permit, at the funeral, any person who has died of any of the above diseases, or of any contagious disease, or at any services connected therewith, and attendance is not necessary, or to whom there is no objection, to be present.

This Permit must in all cases accompany the body

R. R. Agents  
And All Other Carriers  
See Back of Permit.

STATE OF NEW YORK.  
TRANSIT PERMIT.

New York, 13 JUL 1890

And All Other Carriers  
See Back of Permit.

New York, \_\_\_\_\_

The Certificate of Death having been furnished to me, as required by the Laws of this State,  
\_\_\_\_\_

\_\_\_\_\_ given to remove the remains of \_\_\_\_\_

New York City.

Age 

y	m	d
1	1	1

 who died at \_\_\_\_\_  
on \_\_\_\_\_ 189\_\_\_\_; the cause of death being \_\_\_\_\_  
and a Transit Permit being asked for burial at \_\_\_\_\_

the State of \_\_\_\_\_  
Name of Undertaker or person in charge  
of the Transit,

Register of Records.  
301 MOTT STREET, NEW YORK CITY.

15



0396

The undersigned, Warden of City Prisons, respectfully returns and says, that he received the annexed paper, marked "A," on the 29<sup>th</sup> day of July A. D., 1890 at 3<sup>20</sup> o'clock, P. M., at which time there was in the City Prison, of which he is Warden, the body of

Henry G. M. Gougal. Saml. D. Shaw by William David who he believes to be the person named in said paper marked "A" and who was there under custody as being the person named in an original paper, of which the annexed paper marked "B" is a copy, (and the original whereof I now produce).

And so returning, the undersigned produces the body of said person, in obedience to the command expressed in paper "A."

New York

29<sup>th</sup> day of July 1890

Mark Finley  
acting Warden of City Prisons.

0397

W. Reid Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

The People of the State of New York, TO

The Warden of the City Prison  
of the City and County of New York

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

Do Command you, That you certify fully and at large to

GREETING:

*John George*  
*P. Andrews* a one of the Justices of the  
Supreme Court of the State of New York  
at a special Term held at Chambers at the  
Court House in the City and County of New York  
on the 30<sup>th</sup> day of July 1890 at 10 1/2 o'clock A.M.  
the day and cause of the imprisonment of *William C. McLaughlin*  
*James D. Shaw* and *William Davis*

by you detained; as is said, by whatsoever name the said persons

shall be called or charged; and have you then this writ.

Witness, *John George P. Andrews* one of the Justices of said  
Court at said City the 29<sup>th</sup> day of July 1890

*W. T. D. [Signature]*  
Attorney.

By the *[Signature]*  
Clerk

0398

The prisoner  
Wm Davis is dis-  
charged -

Bail is fixed for  
Famine D. Shaw at  
One thousand Dollars  
For Henry G. Mc Guegal  
at Twenty thousand Dollars

admitted to bail  
July 31<sup>st</sup> - He

Aug 31<sup>st</sup> - He

Wm. J. Bee

Allowed

July 29, 1890.

George P. Arkum

JH

will adjourn

to 12 o'clock

July 31 & prisoners

remanded

to work, per

decision JH

11



0399

Sec. 192.

✓ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Maurice J. Power a Police Justice  
of the City of New York, charging Andrew L. Fanning Defendant with  
the offence of Murder

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned.

We, Andrew L. Fanning Defendant of No. 149  
149 Street; by occupation a Clerk  
and Thomas Seamen of No. 149  
Street, by occupation Metal Dealer Surety, hereby jointly and severally undertake that  
the above named Fanning Defendant  
shall personally appear before the said Justice, at the ✓ District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty five  
Hundred Dollars.

Taken and acknowledged before me, this 5th

day of July 1899

ce g. Gwyn POLICE JUSTICE.

0400

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this  
day of July 1887  
Police Justice.

Thomas Scanlon

the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth Five Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of Three Acres

and plot of land 1311 x 256.  
located at Highville Landing Run of  
Dutchess Plate of New York, and located  
on the corner of Church and Adams Streets  
and is of the value of Ten  
thousand dollars. Clear of all encumbrances.  
Thomas Scanlon

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 1887

Justice.



0401

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

of No. 29<sup>th</sup> Precinct, Police Court, aged 33 years,  
occupation Police Officer (being duly sworn deposes and says,  
that on the 24<sup>th</sup> day of July 1890

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

Archer. D. Manning (now here)  
charged with having aided and  
assisted one Henry G. M. Conigan  
in ~~committing~~ <sup>performing</sup> an unlawful operation  
upon the body of Annie Goodwin  
causing injuries from which the  
said Goodwin died on the 13<sup>th</sup>  
day of July 1890. Deponent further says  
that the said Manning admitted  
and confessed to deponent that he  
died at the request of the said Goodwin

Sworn to before me, this

of

189

day

Police Justice.



0402

*second copy*

Police Court, District, *2nd*

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John D. Price*  
*old boy & boy 14*  
*my only son*

*Visit the said Groden in company with*  
*the said M. G. Price at premises no. 102*  
*East 127th Street, Dependent. Therefore I pray*  
*that the said Hanning may be held*  
*for examination in Court. I would deponent*  
*provide proper evidence in Court against*  
*the said Hanning*

*Samuel Price*

*Andrew D. Hanning*  
*D. G. S. 149 S. 114 S.*

Dated *July 2nd* 18*90*

*John D. Price* Magistrate.

Witness, \_\_\_\_\_ Officer, \_\_\_\_\_

Disposition, \_\_\_\_\_

ARDAVIT.

0403

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

Samuel Price

of the 1st Precinct Police, street, aged 33 years,  
occupation Police Officer being duly sworn deposes and says,

that on the 22 day of July 1890  
at the City of New York, in the County of New York,

William Daniels (nowhere)

Charged with having feloniously in  
Company with Henry M. Sengally  
removed the body of one Annie Gordon  
from premises No. 117 East 105th Street  
with the intent to suppress ~~the~~ evidence  
in a case of Homicide Dependent  
therefore prays that the said Daniels  
may be committed for examination in order  
to enable the Department to produce proper  
evidence against the said Daniels.

Samuel Price

Sworn to before me, this  
22 day of July 1890  
at New York  
Police Justice.



0404

POLICE COURT—✓ DISTRICT.

CITY AND COUNTY } ss.  
OF NEW YORK,

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on  
the 23 day of July in the year of our Lord 1890

of No. 103 East 122<sup>nd</sup> Street, in the City of New York,

and Charles Mersch  
of No. 2264 3<sup>rd</sup> Avenue Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and  
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

Mersch  
the sum of 100 Hundred Dollars,

and the said Mersch  
the sum of 100 Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective  
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-  
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the next COURT OF Police Justice SESSIONS of the Peace, to be holden in and  
for the City and County of New York, and then and there Testify and give such evidence, in behalf of  
the People of the State of New York, as he may know concerning an Offence or  
said to have been lately committed in the City of New York aforesaid by

Henry M. Smifal & others  
And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to  
remain in full force and virtue.

Taken and acknowledged before me, the }  
day and year first above written.

Lois Mersch  
Ch Mersch

de J. Over  
Police Justice.



0405

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn before me this  
day of July 1881  
Police Justice.

the within-named Bail, being duly sworn, says that he is a free holder in  
said City, and is worth Twenty Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of two  
Houses and lots known as Nos.  
206 and 208 East 123 Street -  
worth Twenty Thousand Dollars.  
over all encumbrances

Ch Mierisch

New York Sessions.

THE PEOPLE, &c.

Recognizance to Testify.

23.

Magistrate

Filed

day of

1881

0406

CITY AND COUNTY  
OF NEW YORK, } ss.

POLICE COURT, DISTRICT.

*Samuel Price*  
of *the 22d Precinct Police* Street, aged *33* years,  
occupation *Police Officer* being duly sworn deposes and says,  
that on the *22d* day of *July* 188*9*

at the City of New York, in the County of New York, *the arrest of*  
*Amelius Merritt & William Susick*  
*(both now here) who are material witnesses*  
*against Henry McGinjal and others*  
*charged with Homicide. Dependent*  
*has reason to believe that the said*  
*Merritt and Susick will not appear*  
*to testify and prays that they may be*  
*required to furnish surety to testify*

*Samuel Price*

Sworn to before me, this

of *July* 188*9* day

Police Justice.

0407

POLICE COURT— 5 DISTRICT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on  
the 22<sup>d</sup> day of July in the year of our Lord 1890

of No. 227 E. 126<sup>th</sup> Street, in the City of New York,

and Josiah P. Van Riper  
of No. 688 East 144<sup>th</sup> Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and  
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

Sadie E. Traphagen  
the sum of Five Hundred Dollars,

and the said Josiah P. Van Riper  
the sum of Five Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective  
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-  
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the Fifth District Police Court ~~SESSIONS of the Peace~~, to be holden in and  
for the City and County of New York, and then and there Testify and give such evidence, in behalf of  
the People of the State of New York, as he may know concerning an Offence or Homicide  
said to have been lately committed in the City of New York aforesaid by

Henry G. McConigal  
and Fannie Shaw

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to  
remain in full force and virtue.

Taken and acknowledged before me, the }  
day and year first above written. }

Sadie E. Traphagen  
Josiah P. Van Riper

H. D. Owey Police Justice.



0408

CITY AND COUNTY }  
OF NEW YORK, } ss.

day of July 1881  
Sworn before me, this  
18th day of July 1881  
John J. Kelly Police Justice.

the within-named Bail, being duly sworn, says that he is a free holder in  
said City, and is worth ten Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of House  
and Lot situated at 685 East  
114th Street in the City of New  
York of the value of Fifty five  
hundred dollars free and clear

Joseph P. Van Riper

New York 5 West Office Court

THE PEOPLE, &c.

Leah Gappagan

vs.

Henry G. McGowan  
and James Shaw

Magistrate

Filed

day of

188

Recognition to Testify.



0409

CITY AND COUNTY  
OF NEW YORK, } ss.

COURT, 5 DISTRICT.

Samuel Price

of No. 79<sup>th</sup> Police Precinct Street, aged 33 years,

occupation Police Officer being duly sworn deposes and says,

that on the 27<sup>th</sup> day of July 1890

at the City of New York, in the County of New York, he arrested Dr.

Henry G. McGonigal and Fannie Shaw,  
charged with having feloniously caused the  
death of Annie Goodwin by performing  
an unlawful operation on the body of  
the said Annie Goodwin, from which the said  
Annie died on the 12<sup>th</sup> day of July, 1890.

Deponent prays that the said defendants may  
be committed for examination, in order to enable  
deponent to produce proper evidence in  
Court against the said defendants

Samuel Price

Sworn to before me, this

of July

1890.

day

at 86 me  
Police Justice.

0410

Police Court, 5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel Price

vs.

Harry E. McQuigal

Fannie Dean

and Others

Dated July 27<sup>th</sup> 1880

.....Magistrate.

..... Officer.

press,

*Disposition,*

0411

Sec. 192.

✓ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before Munroe J. Pover a Police Justice  
of the City of New York, charging Augustus P. Harrison, Defendant with  
the offence of Armed Robbery

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We Augustus P. Harrison Defendant of No. 23  
West 120th Street; by occupation a Staple  
and Rowland H. Ridley of No. 1880 Park Avenue  
Street, by occupation a Druggist Surety, hereby jointly and severally undertake that  
the above named Harrison Defendant

shall personally appear before the said Justice, at the ✓ District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty five  
Hundred Dollars.

\$2,000  
Taken and acknowledged before me, this 23 Augustus P. Harrison  
day of July 1888 } R. W. Ridley  
M. J. Pover POLICE JUSTICE.



0412

CITY AND COUNTY  
OF NEW YORK, } ss.

*day of June*  
*1881*  
Police Justice.

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Five* Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of *Three and 1/2*

*Mr. 1880 Park Avenue. Horse*  
*Two thousand dollars. Clear.*  
*all encumbrances*

*R.W. Ridley*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the ..... day of ..... 188

Justice.

0413

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

*Samuel Price*

of No. *29<sup>th</sup>* Police Precinct Street, aged *33* years,  
occupation *Police Officer* being duly sworn deposes and says,  
that on the *24<sup>th</sup>* day of *July* 18*97*  
at the City of New York, in the County of New York, *he arrested*

*Henry G. McGonigal and others charged*  
*with homicide in having caused the*  
*death of one Annie Goodwin,*  
Deponent says that *Alfred Harris*  
*Sadie Dwyer* and  
*Alfred Harris* (both now here) are material  
witnesses against the said McGonigal  
and Shaw.

Deponent further says that he has  
reason to believe that the said *Harris*  
and *Shaw* will not appear to testify  
and prays that they may be required to

Sworn to before me, this  
of \_\_\_\_\_ day  
188

Police Justice.

0414

Police Court, District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

furnish surety to testify.

Sworn to before me  
this 22 day of July, 1888

Samuel Price

cc & Corney  
Orin Justice



0415

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

Samuel Price

of No. 29<sup>th</sup> Police Precinct Street, aged 33 years,

occupation Police Officer being duly sworn deposes and says,

that on the 22<sup>nd</sup> day of July 1890

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

Augustus F. Harrison (now here) on sus-  
picion of being connected with Henry  
G. McGonigal and Fannie Shaw and  
unlawfully procuring and performing  
an abortion upon the body of one  
Annie Goodwin, causing injuries  
from which the said Annie Goodwin  
died on the 12<sup>th</sup> day of July, 1890.

Deponent prays that the said  
Harrison may be committed for  
examination, in order to enable

Sworn to before me, this

188

day

Police Justice.

0416

deponent to produce proper evidence  
in Court,  
Sworn to before me this } Samuel Price  
2nd day of July, 1890 }  
J. C. Gentry  
Notary Public

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFRIDA VIT.

vs.

Dated 1890

Magistrate.

Officer.

Witness, J. C. Gentry

Friday, 25th Aug.

10 a.m.

\$2500 bail

Disposition,

0417

GILLIES BROS.,  
Manufacturers of and Dealers in Canada Lumber.  
DOCK AND PLANING MILLS,  
MORRISTOWN, N. Y.

SAW MILLS AND YARD,  
BRAESIDE, ONT.

Morristown, N. Y., Oct. 6 1890

Col. H. R. Fellows  
New York

Dear Sir

I enclose herewith letters  
thus far received from Mrs. McManegal  
in response to my call for —  
statement of McManegals course  
after my departure from Morristown  
thirty five years ago. On letter <sup>written</sup>  
received from her today she, that  
she mailed a letter to me in your  
Care, expecting that I would be  
in New York to receive it from you

I expected to be there last week  
but could not get away. Will be  
there Wednesday morning next (8<sup>th</sup> inst.)  
and will try to see you. You can  
open the letter addressed to me  
in your Care and use in connection  
with the inclosed three. When she  
fled to save her honor and her life  
she left articles of personal property  
which she would like to recover

at Grand Union Hotel



0418

GILLIES BROS.,  
Manufacturers of and Dealers in Canada Lumber.  
DOCK AND PLANING MILLS,  
MORRISTOWN, N. Y.

SAW MILLS AND YARD,  
BRAESIDE, ONT.

Morristown, N.Y., ..... 189

if in existence, that from the beginning to the end of her connection with McLaughal she was the innocent victim of as vile and heartless a wretch, remains unknown. I am fully persuaded. I had a six months acquaintance with her. During that time I never heard a word or saw a look or act which could induce an infernal thought. I have copies of my letters which show from her the statement in her letters and will bring them along with me. Will you kindly preserve her letters and return to me in case I should fail to see you

Very Respectfully Yours  
W. L. Saring

04 19

#406 Center St,  
Des Moines, Iowa  
Sept 29 " 1890 -

Mrs L. Ewing -  
Dear Sir:

Yours noting your intention to go to New York received -  
Now I am going to think of you as friend and brother and trust you do so as in your best judgment, and after careful consideration, you think best - As to publishing protest in Cornell's paper do as you consider wisest and I shall not object - I will enclose permission for so doing that you can send him if you want to

You can also do what you and Mr. Fellows think you better with the information I gave you - Just so far as you and he would have your own sisters appear in the case and no farther - Its humiliating to have the world know that ~~any~~ one was so closely allied to the scoundrel as to have been his wife -  
Only last summer I destroyed some of the terrible letters he wrote to defame the character of the one (now dead) whom he charged me with criminal intimacy - The letters were entrusted to a friend of mine who never delivered them

0420

and thwarted<sup>2</sup> his hellish purposes.  
It was his fault that I never knew  
the gentleman - and I know full  
well that it was one of his diabolical  
schemes to counteract his own villainy.  
It is a long story - Mr. L. brought  
him to New York and so deceived  
him and maligned him (previous to  
making me sign the statement) that  
the gentleman returned home  
and died within a year - I feared  
greater sorrow and persecution and  
arranged to write him under an assumed  
name as the only communication with  
the outside world I expected to have.  
To be truthful, I began to love him  
in my desperation, with all my heart,  
and would have fled to him, if the  
Doctor had not taken all the money I  
had when I arrived at New York -  
I tried to write him but the Dr. was  
in league with the postmaster and  
both those women (Fairbanks) told  
him everything I did - and falsified  
terribly - Oh dear me what days  
and weeks those were - I cannot  
begin to picture them to you - If I  
remember - he had taken a letter  
from the P.O. that I succeeded in putting  
in - and in some way I have gotten the  
idea that such a letter was the evidence  
upon which he obtained his divorce.



0421

I doubt very much <sup>3</sup> but I thought it must have been the "statement" for I could not see how the proof could be acceptable testimony.

I doubt very much like to have you - but I suppose you could see the records in New York of divorce suits - It must have been since Dec. 8<sup>th</sup>, 1861 the night of my flight - which was a miracle of itself - I presume in 1862 or 1863 he obtained his divorce -

My evidence was based upon adultery obtained by a party visiting New York while he was still living with the Fairbanks women - They remained at the house long enough to become eyewitnesses to the fact - I received my divorce May 1865 - so perhaps I am wrong, and he did not get his until later - do not see what need he had of one then - I sought mine for the purpose of changing my name and then when it was granted I had not the courage - for some called me Miss & some Mrs. and my whole reputation as a teacher was made upon that name - In the Iowa State University - at the Oswego Normal & Training School &

0422

in Toledo, Ohio and in Davenport  
Iowa - Scores and hundreds of pupils  
knew me as Mrs. McSonegal and  
did not know of my sad past and  
therefore I was not brave enough  
after all to take my name Butin, but  
have borne this terrible name  
all these years - It has been a  
grievous burden I assure you -

If a copy of my <sup>deed</sup> divorce ~~and~~  
is necessary I will get it -

What a libel upon justice and  
common sense the idea of panel  
ing a jury - Accepting men who  
know nothing - as if the widest  
possible knowledge of the case  
would not help a man to decide  
righteously and justly - As if  
ignorant men were better prepared  
to judge from testimony given -

Wish Mr. Fairbanks could be  
found - He may be dead long  
years ago though -

Sincerely yours

M. A. McSonegal -  
P.S. I send this to Mr. Lillorbs

0423

Mos Moines, Iowa -  
Aug. 26<sup>th</sup> 1890  
406 Center St.

W<sup>m</sup> L. Caring;  
Dear Sir:

Yours received - both letters  
and papers - I am in the midst  
of some church work that takes  
every moment and energy, and  
that that may be a success, I dare  
not stop to think and write  
you as I will in a few days -

Do you know when McCon-  
egal will be tried?

Are you in communication  
with the attorneys so that you  
know whether past evidence  
is needed for his conviction?

Mr. Consider Millett  
Room 56 No. 97 Clark St.  
Chicago, Ill -



0424

Mr. Dwight F. Butin - &  
Mrs. S. M. Dickinson - &  
Des Moines, Iowa could  
each add much testimony  
showing the early character  
of the man -

Mr. Willett when a boy  
was beaten by him more  
than once - I learned a  
few months since of his  
whereabouts, but have  
never communicated with  
him, have been wondering  
whether he sees the reports -

The hardest wish that  
has yet taken form in my  
mind is that you and Mr.  
Willett, and Mrs. Dickinson  
(my sister) and I, might sit  
before him during his  
trial - I am financially unable.

And the sorciid that comes  
that if he is worth so many

0425

thousands of dollars he might  
make some very slight restitution  
for the terrible years he has  
caused me -

I shall be very grateful  
to you for keeping me inform-  
ed -

Of course it hurt more than  
words can tell to have the Bald-  
winsville paper publish what  
it has - No words it may here-  
after publish can call back  
those - The same eyes may  
never see the explanation -

Sincerely yours

Mrs. M. A. McSonegal

N. B. Will write very soon -  
M.

0426

#406 Center St.  
Des Moines, Io.  
Sept. 19-1890

W. L. Earing:  
Dear Sir:

"It might have been" has always applied to me in whatever I have done or attempted— Friends have always put in an appearance too late to rescue me— Sorrow and loneliness and poverty have been my portion mostly— It seems now had I known you took with you a little of the friendship your words now seem to indicate, it would have been a beacon to save me from the clutches of that foul man in N. Y. prison—

Had friends told me in youth what they did years afterwards seems to me I should have been saved much suffering— I do not know how I was so blinded and so innocent of evil in men—

Had my brother answered my letter and advised me instead of referring me to his wife whom no one liked, seems to me I should have escaped— Had a friend in the west to whom I appealed for advice responded my path in life would have been very different— Alas "it might have been" but was not



0427

I must <sup>2</sup>needed to have been led this way for some wise discipline — I have gone thro' so much that memory fails to recall some events. I have no recollection of coming to your room as you speak — I am sure my sister never reproved me else it would have been firmly fixed in my mind —

I know I ought to have written you before, yet whenever I could, so much has presented itself that my time was wasted in revery. And it is so painful to bring it up — so shameful —

I will commence with your last letter received to-day. Possibly Leonell of Baldwinville has been waiting for my reply to see if I accepted the proffered space to answer the article <sup>before publication</sup> ~~before publication~~ <sup>your protest</sup> ~~your protest~~ I will enclose his letter and copies of my reply which you may sometime return. — He seems to think you gave permission for publication — I note what you say in reference to evidence and the Atty's letter — I have been unable to decide what course to pursue there.

0428

are so many ways in which he might<sup>3</sup> make restitution if he would - and if I had a friend thro' whom I might reach him - You will perhaps not be astonished at anything devilish in which McE had a hand -

I need not shrink to confide in you perhaps -

After teaching in Iowa City and sending money to him to prepare himself in N. Y. city to teach Chemistry and kindred subjects which he was ostensibly pursuing there - It seemed best that I go east - his long stay there causing remark and making it uncomfortable for me to remain - He met me in Central N. Y. where my parents resided and I visited there several weeks - We went on to N. Y. City and I found him living way up in Harlem practising medicine and living in a family consisting of husband, wife and two daughters six and seventeen, perhaps - Fairbanks - by name -

He had a position ready for me which I did not accept - Possibly my presence at all hours increased the persecution I received - At any rate seems to me hell will not be worse - Whatever I did or said was wrong - He was criminally intimate with both mother and daughter and they

0429

jealous of each <sup>4</sup> other and of me - Tho' I never could think that each knew positively of the others criminality - Well I do not need to give the sad long details - I think a process of slow poisoning was commenced upon me - I became very feeble and the women finally interceded from sheer alarm and threatened me with exposure if he did not desist -

I was taken from bed by hair of head and led into another room where upon table laid a written statement which I was made to sign, knowing at the time that it was false - and that my mother with whom I had been prior to coming to N. Y. could prove its falsity - I cannot repeat the statement - The gist of it however was that my condition when I came east was proof of disloyalty to my marriage ties -

This statement still exists I suppose somewhere,

When I ran away leaving many things behind -

Again I think I ought to have my sister's things -

And more I ought to have some of -



0430

his money if he has <sup>5</sup>\$100,000 or \$150,000 which I doubt—

Of course by antagonizing him or being known as furnishing evidence against him will not induce him to make restitution— What think you of any attempts in that direction?

Cannot a detective hunt up Mr. Fairbanks if living— His eyes were finally opened and I have heard that he left his wife and daughter— Should think he would be a good witness—

I think a certified copy of my divorce would give some idea of the character of the man for adultery was proven if I remember—

Seems to me all this would be sufficient without a personal statement from me or my being known in the case—

My brother would not make a statement— He did not cause the remains of sister to be exhumed as I remember— Her body was placed

0431

in a vault for several months the idea  
seemed to be to await burial for my  
sister's return who was then in Georgia.  
However when Mabel was ready, brother  
and he took the body from the vault  
in Syracuse & took it to the Baldwinsville  
cemetery for burial - ~~the~~ Dr. used to  
speak of visiting the vault at times - In  
some one of those visits doubtless he  
took the skull - I think he would have  
taken the entire skeleton had he dared  
to have done so - I always kept track  
of the skull with the hope of placing it  
with the rest of the body - In my  
flight from New York I did not  
get it - In several particulars the  
newspaper account was incorrect  
no one ever said "Mary do not marry  
him" - Our family all liked sister  
Jennie his first wife perfectly - He  
was always calling me his girl, and  
after sister's death we all thought he  
would not live long - he seemed to  
feel her loss very deeply and thus  
gained our sympathy - and the only  
thing that actuated me when he so  
pitifully told me that Jennie wanted  
I should take care of him after she  
died - was, that I was young and per-  
haps I ought to for her sake - and  
that he could not live very long -

0432

And <sup>no</sup> friend <sup>7</sup> saved me from ~~my~~ the terrible fate of being his wife.

I can distinctly recall the sleepless night that I reasoned myself into thinking, that no <sup>one</sup> loved me especially, or cared for me above all others, and why should I please my idolized <sup>and beloved</sup> sisters <sup>last wish</sup> (I) I could take the task as a mission work that would end in a little while at farthest - and as the fatal mistake was made.

I do not believe my sister ever expressed such a wish. I think she died of disappointment, broken-hearted. Though her ideal of constancy was so exalted that she never murmured or betrayed his faults.

Poor human I wonder if recollection brings all his inhumanities and unjust treatment and crimes before him as he awaits his trial.

It seems to me he must die a thousand deaths in that prison.

I think the house he occupied on 3<sup>rd</sup> Avenue was #2275 and that Mr. Fairbanks was in a flour and feed store directly opposite - I do not remember his initials - Seems to me he



0433

was afterwards<sup>d</sup> in Plainfield  
New Jersey.

Don't you think you ought  
to have kept your secret -  
our secret - from Mr. Bigelow  
and then it would not have  
gotten into print?

As I look at the trial seems  
to me McE - will be tried for  
this one murder - And the  
first question asked each wit-  
ness will be - "What do you  
know about this case?" And  
if they cannot state anything  
pertaining to the Goodwin case  
said person will not be per-  
mitted to testify - I supposed  
no matter how much evidence  
was collected that unless it  
<sup>had</sup> a direct, intimate connection  
with this one case, the evidence  
would be discarded - Perhaps I  
am wrong -

0434

9

I was unable to finish my letter so I mailed what I had written, and the remainder in a second installment. Are you not mistaken as to time of trial - The clipping I enclosed seems to place it earlier than the date you named -

I have a very indistinct remembrance of that Frank Seales. I cannot recall about her death or the rumor as to cause - I hope you can read what I have written - doubtful whether it is very profitable though

I have thought out no plan for obtaining restitution from the Dr. Long years ago I turned him over to

0435

the Lord <sup>10</sup> of vengeance. He will  
requite and it is very diffi-  
cult for me to recall many  
events - so hard have I tried  
to forget them -

What can you suggest, or  
would you let it all go?  
All that dark past that  
I began Dec. 8<sup>th</sup> 1861 to put  
behind me has gradually  
faded away - and I have tried  
by earnest work to rise above  
the terrible conditions that  
nigh wrecked me physically  
mentally & morally -

A Heavenly Father's loving  
care has saved what there  
is of many. But in that you  
knew - Am glad to know  
that after all these years you  
think kindly of me -  
Yours truly M. A. McSonegal-



0436

Mr. W. L. Earing;

Dear Sir:

You are at liberty so far  
as I am concerned to do as you  
think best in regard to demand-  
ing any publication in expla-  
nation of what has heretofore  
appeared in the "Baldwinsville  
Era & Tobacco Review" in refer-  
ence to myself and yourself -

Yours truly -

M. A. McLoughlin -

406 Center St.,  
Des Moines, Iowa  
Sept. 29/90

0437



*Court of General Sessions,  
Judge's Chambers,  
32 Chambers Street.*

*Hon Judge Fitzgerald*

0438

POOR QUALITY  
ORIGINAL

In re  
Mellon

Memo and papers  
on bail

Trust Attorneys Office  
City & County of  
New York



0439

Mr. Earing, 406 Center St.,  
Dear friend, Yours mailed Oct 2/90  
11:35 P.M.  
and contents considered. I have  
always written you under unfavor-  
able circumstances as now - I have  
the care of my aged mother & 8 boys,  
old last Sunday - and she sleeps  
so little at night that I am un-  
able to keep very well. Became quite  
ill a year ago from the burden  
friends did not think I would  
ever get well again. I have  
ceased to sleep with her and have  
rallied somewhat - Perhaps I  
allow people to put too much  
work upon me in the church  
and temperance work in con-  
nection with the other burdens  
that press so hard - yet I strive  
to cast all upon Him who cares  
for me.

You would scarcely believe  
all I might tell you of the care  
and sorrow that has come  
into my life - and but for the

0440

love of Christ I should have  
been wrecked years ago -  
Sometimes I am almost  
in a dazed condition and  
it seems as if in a few days  
my brain would fail me -  
At such times I try to stop  
thinking and do things in  
as mechanical a way as possi-  
ble until I rest and rally  
from that state verging on  
brain-fever or possibly soften-  
ing of the brain.

You may think it strange  
that I cannot recall many  
things. During the process  
at N. Y. when the Fairbanks  
women thought McSorley was  
poisoning me, he would hold  
a bottle of something to my  
face and talk with me. Ask  
me questions I suppose for  
he would berate me so in the  
day time and say that I talked  
very differently in my sleep.

0441

this so impressed me one night when I retired, that I wondered and pondered over it and decided I would try to sleep as light as possible and feign sleep if I could. But it was very very late as usual when the prisoner appeared and I had dropped to sleep. However having the above determination on my mind I suppose I awakened and found him standing over me with the bottle near my face and I was conscious that I had been answering some question. He was much enraged at my discovery and I believe it was that night that he pulled me from the bed and by my hair led me to the front room to sign the false statement to which I have referred. The next April when I was



0442

questioned by the Pres<sup>t</sup> of Oswego  
Normal Training School where  
I afterwards graduated I found  
my memory failed me on things  
I supposed wholly familiar - I  
always tho't it was caused by  
that treatment received in  
N. Y. - Hypnotism possibly -  
It is so unpleasant to put  
these things on paper -  
I have no criticism to make on  
your intentions to do just the right  
thing, and attach no blame to you  
because of Cornell's action -  
Did I write him too sharply?  
I have no way of knowing how  
McDonnell regards me - But I am  
of your opinion that his career  
has been such that conscience  
is entirely latent - beyond revival  
or resurrection - I know him  
to be a coward - Did I tell you  
(I really cannot remember) of  
his taking me to the basement  
once and saying "Matie shall

0443

"Will you kill me?" I asked. "I will," he replied. "I will kill you?" I replied, yes - as he stood with the hatchet in hand. It fully disarmed him, and he sent me upstairs. If I had not been such an innocent, trusting body and beguile more of the world he could have been managed somewhat differently. I am sure I do not know whether he has ever kept trace of me or not. He seemed to do every thing to make me wholly bad like himself. One of the two things he had to show me in N. Y. City was to take me to those streets where the demi-monde thrive and ply their trade, and leaving me alone all at once he says, "Here come one watch what she will do".

0444

and follow her a little ways  
There seemed to me nothing to  
do but as I was bidden - A  
terrible fear came over me  
and I appealed to him to show  
me the way home - And he  
finally said to the woman  
after they had become seated  
at a restaurant table - "Why  
that is my wife I'll have to  
go." Many occurrences too numer-  
ous to recount decided my course as  
to getting beyond his reach the  
first possible chance - Duty to  
remain was canceled by his own  
acts of violence and indecency - I  
cannot understand how a man of  
his habits can have reached 70 yrs  
of age - Wherever he has practiced  
as a physician he has been accused  
of immorality and indecency.



0445

mal practice - I'm sure I do not know what qualifications are essential in a friend to secure any restitution for me. You are very kind indeed and no doubt you could have more influence with Mr. Holloway than any one else. I suppose you could not do very much with McDonnell himself if he has read your letter. I figure that some one going to his wife might demand things and get them & possibly thru fear she might give them up in his absence. Possibly she might possess some sense of justice - I doubt whether McDonnell himself has any "vulnerable point". No knowing what two months of prison confinement may have developed.

0446

and done for him. The trouble  
you suggest "active antagonism"  
has occurred to me in this form  
viz: that I write his lawyer  
(Birdsall) that I might furnish  
Holloman with plenty of evidence  
if I were disposed - But if Mc-  
Donagall saw fit to do as he  
ought by me I would take no  
hand in the matter. And  
then I am not sure whether  
that course would be right.  
I have existed thus far and  
perhaps ought not to do any-  
thing - It would give me a  
very unpleasant notoriety to go  
to New York, do you not  
think so? It would be diffi-  
cult to leave Mother. I note  
what you say about writing

0447

Mr. Yellow - I will think about it - and yet I shrink from it - When you go to N.Y. perhaps you can talk with Mr. Yellow - Truly yours you were he for the next three months -

Dec. 8" 1861 is date of my flight - May 18" 1865 is date of my divorce I do not know date of McQueen's divorce -

I remember, old Mrs. Newton by name, yet I do not see her clearly - I remember she was kind to me and sometimes gave me money - I have a prayer book she gave me - She was an Episcopal and I used to go to church with her because there was no Baptist Society in Marcellus - I remember she had a grand son Taylor by



0448

name whom I used to befriend  
in after years because the girls  
at school abused him so, while  
they would take his candy  
nuts and oranges with which  
his father kept him supplied  
I do not recall the loaf-sugar  
pilfering. How long were you  
in Marcellus?

I think I have been writing  
you very freely, more so per-  
haps than is becoming and  
judicious, and yet you have  
strangely near to me from the  
fact that you have remembered  
me so kindly all these long  
years - I've been trying to  
scatter kindness upon the  
pathway of others but some-  
how it has been a very one-  
sided business. Few have

0449

ever taken time or pains to  
make many returns - Perhaps  
it has been in their heart all  
the years but never been  
made known to me - It has  
only driven me to the "Rock  
that is Higher than I" and  
I have at most seasons been  
able to rejoice thro' even the  
dark hours - getting comfort  
that the Father's love was  
mine because of the sore  
chastening -

In your last you spoke of  
your immediate departure  
to N. Y. and probable telegram  
to me - ~~for~~ permission to give  
facts I had given you to Mr.  
Hollows - I wrote you im-  
mediately enclosing my

0450

letter to ~~Prof~~ Mr. Fellows asking him to hand it to you as contents related to McGonigal's trial and that you would doubtless see him Fellows on your arrival. I also told him to hold it a day or so and then mail to you. Perhaps I said a few days.

I have sent for a certified copy of my decree of divorce and if it is as I think perhaps I better send it to Mr. Fellows.

I enclosed in letter to you also a written statement of my permission for publication in Cornell's paper of anything you saw fit.

Accept thanks for stamps.

I told you in letter that you could give Mr. Fellows any



0451

information <sup>7</sup> you did best.  
and you two together had  
permission to do what your  
best judgment and brotherly  
instincts dictated.

Mother prays and sings  
two thirds of the night - She is  
getting quiet - the clock has  
struck three - and I must  
stop this pen immediately -  
God's blessing upon thee and  
thine -

~~M. A. Nelson~~ -  
Mary Butler -

0452

COURT OF GENERAL SESSIONS.

THE PEOPLE,

against

HENRY G. McGONEGAL, & ors.

CITY AND COUNTY OF NEW YORK. : SS.

We whose names are hereunto subscribed do each for himself severally depose and say on oath:

I reside at the place set opposite my name.

I have known Henry G. McGonegal for the period set opposite my name. And I have seen him about daily during that period. He is generally regarded as a very skilful and successful physician.

I know of my own knowledge that his life has been one of good works --- and self denial. I know of numerous cases where he has persistently and carefully attended patients sick with mortal disease or chronic disease daily and sometimes many times a day, month after month knowing full well that he would never get pay for it. And year after year he has attended and prescribed for poor families faithfully and regularly, without pay or reward of any kind.

He is reputed to be a kindhearted and philanthropic man, who has never accumulated any property, although his practice is enormous.

*Subscribed before me this*  
*13th day of August 1890*

*at the residence of*  
*Mr. McGonegal by Franklin*  
*J. Wall.*

*I have known him*  
*for 30 years*

*Franklin J. Wall*  
*104 East 127th St.*

*Edwin M. Wright*  
*Notary Public N.Y.C.*

0453

6

Finch

Start - 5:00 pm  
Mr. Greenfield  
Stamford

6



0454

NEW YORK COURT OF GENERAL SESSIONS.

.....X  
THE PEOPLE,

against

HENRY G. McGONEGAL.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

We whose names are hereunto subscribed do severally and respectfully swear and depose, that I reside at the place set opposite my name in said City. That I have known Dr. Henry G. McGonegal for many years past. During that time he has been my family physician. And his life has been one of continued self sacrifice and good works among the poor. He has never practiced his profession for money or gain and has never seemed to think of himself or his conveniences.

His hours of work often run from seven o'clock in the morning to generally long after midnight and often, and apparently for days together, all day and all night. In cases of severe sickness he has often visited in my family -- coming on his regular visits long after midnight.

He is a physician of great skill, and has performed wonderful cures in cases with which we are each familiar.

Sworn to before me this  
day of August 1890

J. P. Lamb  
19-E-124th St.  
W. Lansing  
19 East 124th St.  
W. M. 1890

0455

J. W. Polk

210 E 121<sup>st</sup> St

James Ray 178 E 123<sup>rd</sup> St

Mrs. F. Ray

John G. Stevens

117 E 119<sup>th</sup> St

Elizabeth Stevens

Mrs. Fizzie McCarty

106 E 119<sup>th</sup> St

Mrs. Fitzgerald

118 East 119<sup>th</sup> St

Mrs. M. Simpson

77<sup>th</sup> St

Chas. Chayer

218 W. 123<sup>rd</sup> St

J. J. Spencer

238 West 123<sup>rd</sup> St

Mrs. M. O. Spencer

238 West 123<sup>rd</sup> St

Mrs. M. C. Sage

238 West 123<sup>rd</sup> St

Edwin Vincent

234 W. 123<sup>rd</sup> St

Mrs. M. M. Young

255 West 123<sup>rd</sup> St

Dr. M. Young

255 West 123<sup>rd</sup> St

Mrs. Fitchart

255 West 123<sup>rd</sup> St

Mrs. Paul 269 West 123<sup>rd</sup> St

F. M. Paul 269 West 123<sup>rd</sup> St

0456

Arthur N. Paul  
269 N 125<sup>th</sup> St

Mrs John H. Sniffen  
11 West 128<sup>th</sup> St

John H. Sniffen

79 West 128<sup>th</sup> St

L. H. Couch 2149 7<sup>th</sup> Ave

Mrs. A. Wilkins.

207.00 7<sup>th</sup> Ave.

Mrs. S. B. Goodenough

323 E 123<sup>rd</sup> St



0457

Mrs. Kellman (Mrs.)

312 East - 160<sup>th</sup>  
Mrs. Olive Price

217 E. 128<sup>th</sup>

Mrs. J. Willets

238 E. 120<sup>th</sup> St.

Mrs. J. M. Goodson

217 East - 128

Mrs. Mary Price

217 E. 128<sup>th</sup> St.

Mrs. Lora Hess

N. 2700

8<sup>th</sup> St.

Mrs. Müller

N. 2700

8<sup>th</sup> St.

Mr. F. Seidel

2672 8<sup>th</sup> St.

C. H. Gilbert 228 East - 110<sup>th</sup> St.

D. A. Adair

2164 8<sup>th</sup> St.

0458

Anna Dickinson 106 East 89 St  
Mrs Robt Barclay  
135<sup>th</sup> St & 3 Ave  
Mrs James Potter  
135<sup>th</sup> St & 3 Ave

0459

John H. Griffer 79 West 128<sup>th</sup> Street

Mrs John H. Griffer " " " "

Mr J. Lee 19 E. 133<sup>rd</sup> Street

Mrs J. Lee 19 E. 133 Street

Mrs. B. Jacobs N. 2201 Second Avenue

Mrs W. Lapping 2194 3<sup>rd</sup> Ave.

Mrs J. B. Raynor 55 East 120<sup>th</sup>

Mr J. B. Raynor 55 " 120

J. H. Dalton 154 E 123

Alida Dalton - - - - -

Children's



0460

5700  
Mrs. G. G. G. G.

to the of the  
G. G. G. G.  
G. G. G. G.  
G. G. G. G.  
G. G. G. G.

5

0461

in of Court of General Sessions

The People

vs.

Henry L. McQuigal

Defendant Henry L. McQuigal now interposes a challenge to the panel of jurors drawn Sept-23<sup>rd</sup> and states following as grounds of challenge to wit:

(either of) That the panel was drawn in open Court in the presence of Jurors before <sup>either of</sup> the two preceding panels drawn for the term of the Court that have been exhausted. & that such drawing was a departure from the form prescribed by the Code of Civil Procedure to the prejudice of this Defendant.

W. J. Rindge

Att'y for Def.

McQuigal

0462

Cont. of  
Superior

The People

agst  
Henry G. McGowan

Challenge of Paul  
July 20/90

W. H. Burdick  
Wig & Co.

Filed July 25/90



0463

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

The People  
vs.  
Henry E. McConagal

Sir:-

Take notice that upon the trial of this  
action you are required to procure and  
cause to be produced, a certain affidavit made  
by one Sadie S. Traphagen, before Maurice  
J. Power, Esq., a Police Justice, or clerk of the  
Fifth District Police Court in this City, or re-  
turned from said Police Court with the  
proceedings before the Magistrate herein, and  
also a certain statement made by the Defendant  
Fannie S. Shaw, and reduced to writing herein  
in the Station House after her arrest, and  
likewise so returned, or purporting to be returned,  
or in default thereof parol evidence of the  
contents of said papers will be given.

Dated New York September 27<sup>th</sup> 1890.

Yours &c

W. J. Birdsall,  
Attorney for Defendants,  
McConagal and Shaw,  
280 Broadway,  
New York City.

John R. Fellows Esq.  
District Attorney.

Oct 2<sup>d</sup> deliv'd Mrs Shaw's  
Statement in open Court

0464

W. Court of General Sessions.

The People

— vs. —

Henry G. McConnel

Notice

Wm. S. Randall  
Atty. for defendants

McConnel & Shaw



John R. Sellers Esq

Sept 30/90

0465

COURT OF GENERAL SESSIONS,  
City and County of New York.

.....X  
THE PEOPLE  
against  
HENRY G. McGONEGAL and ors.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

FANNIE D. SHAW, being duly sworn says; I am one of the defendants herein; am confined in the City Prison on this charge of manslaughter. I was never arrested before for any cause. I am thirty-eight years old. I have supported myself by laundry work for the past year. For the years preceding that I have practically been taken care of by my sisters who are poor women, living in the country. My husband deserted me more than a year since, he did not support me; I have lived in New York about 8 years, prior to that my life was spent in Newburgh and Cornwall. Dr. McGonegal has attended me as my physician for the past two years.

When Dr. McGonegal came to me I was very ill and not capable of working and he brought me to a condition where I have been able to work a little, sufficient to support myself. When The Dr. first came to me I paid him something for his services. But since that I was not able to pay him and he has attended to me just as faithfully.

I am now suffering terribly for the want of treat-



0466

ment and medical attendance. And I cannot get relief from other physicians or medicines. And from what I know of my condition I am satisfied that no physician can relieve me as can Dr. McGonegal.

I am in no way, directly or indirectly, guilty of the charge against me in this case.

I never had any knowledge of any operation being performed on a girl called Annie Goodwin. If any was ever performed on her, it was not while she was with me.

She was a very sick woman when she was brought to my house. And at the request of Dr. McGonegal, made when she came there with him, I consented to receive her as an act of humanity and I nursed her and cared for her as carefully as I could. I could not turn her out.

Dr. McGonegal had been more than kind to me and when he asked me I could but consent; and he was kind and attentive to her during her sickness as he seems to be to every one.

She seemed to me to be a friendless, homeless girl and so she informed me and told me she had no friends to send to and spoke of his kindness to her often.

Up to the time of my arrest I have not been out of my room five times in three years, and to get cold would kill me.

Unless I can get my liberty I do believe my chance for recovery will be permanently stopped. I have no friends that I know of, who are capable of going bail

*I hope they want the case to go on to the 6th*

0467

3

for me beyond \$1,000 and not then, unless some person  
stranger interests himself in me. I have absolutely no  
means or property.

Sworn to before me, this

11th day of September, 1890.

:  
:  
:

William Shaw

Francis J. Wan

Notary Public  
myc

0468

13

Book of Gen. Dep. w. is

The People

ageto

Henry G. McGonegal  
Do.

Copy Mrs. L. H. H. apph  
on motion.

W. J. D. D. D. D.  
Aug 18

13



0469

Police Department of the City of New York,

Precinct No.

New York,

189

Mrs Fannie Shaw being duly sworn  
 deposes and says. that she is 38 yrs  
 of age. and has resided at No 117  
 E 105th St during the last 3 yrs  
 that she has known Doctor Henry Mc  
 Gonegal of No 217 W 123rd St for about  
 2 yrs. that he has treated me during  
 that time for blood poisoning.

Depoant further says that about  
 10 or 11 PM July 11th last said doctor  
 McGonegal brought to her house a  
 girl about 21 yrs of age and requested  
 deponent to take care of her. at first  
 deponent positively refused to receive  
 her, said doctor having brought said  
 girl. whom I subsequently learned was  
 Annie Goodwin to my house without  
 my consent or permission. After much  
 persuasion, he telling me that I was a  
 poor woman and that if deponent would  
 take care of the girl it would put a few  
 dollars in deponent pocket. deponent  
 finally agreed to allow her to remain  
 He then left my house, leaving her there  
 At first the doctor called twice a day each  
 visit giving her medicine. During the

0470

Police Department of the City of New York,

Precinct No.

New York,

189

Last day's of the illness of said Annie Goodwin the doctor called 3 times a day, each visit administering medicine to said Annie Goodwin. On Wednesday night the 9<sup>th</sup> inst, she was taken seriously ill and became very low and the doctor called about 11 P.M. 9<sup>th</sup> inst and remained in that condition until she died

~~Deponent further says that~~  
~~Albert Harrison Age 16 yrs who lives~~  
~~with her~~

Deponent further says that said Annie Goodwin died at 2:35 P.M. 12<sup>th</sup> inst (Saturday) and that Deponent was the only person present at the time she died. That deponent after her death sent Albert Harrison Age 16 yrs (who lives with deponent) for doctor McHonegal and that the doctor came at about 11 P.M. same day, when he saw her body he said, "That's all right I'll attend to her and take her to her friends" He further said "You keep quiet and I will come for her, but it will be late" He further said

0471

6 - Police Department of the City of New York,

Precinct No.

New York,

189

"You keep the door shut, and don't say anything to anybody" he then left. He called at about 8 P.M. same day and told me that he would come after the body later. He again told me to keep the door closed and forbid my saying anything to anyone, and that he would take the body away. He then left. Subsequently, the at 2 am. the next day Doctor Henry McGonegal called knocked at my door. I was in bed I admitted him. He said Doctor McGonegal then placed the body in a quilt and carried the ~~same~~ body of Annie Goodwin to the street. After the Doctor reached the street I heard a wagon leave from the house and it sounded like a coach. I asked Doctor McGonegal before he left with the body where he intended taking the body, and he said, "To his friends" Albert Harris. opened the door for the doctor when he removed the body. The doctor called again Monday the 14<sup>th</sup> at my request, and gave me some medicine. I paid to Doctor McGonegal



0472

Police Department of the City of New York,

Precinct No.

New York,

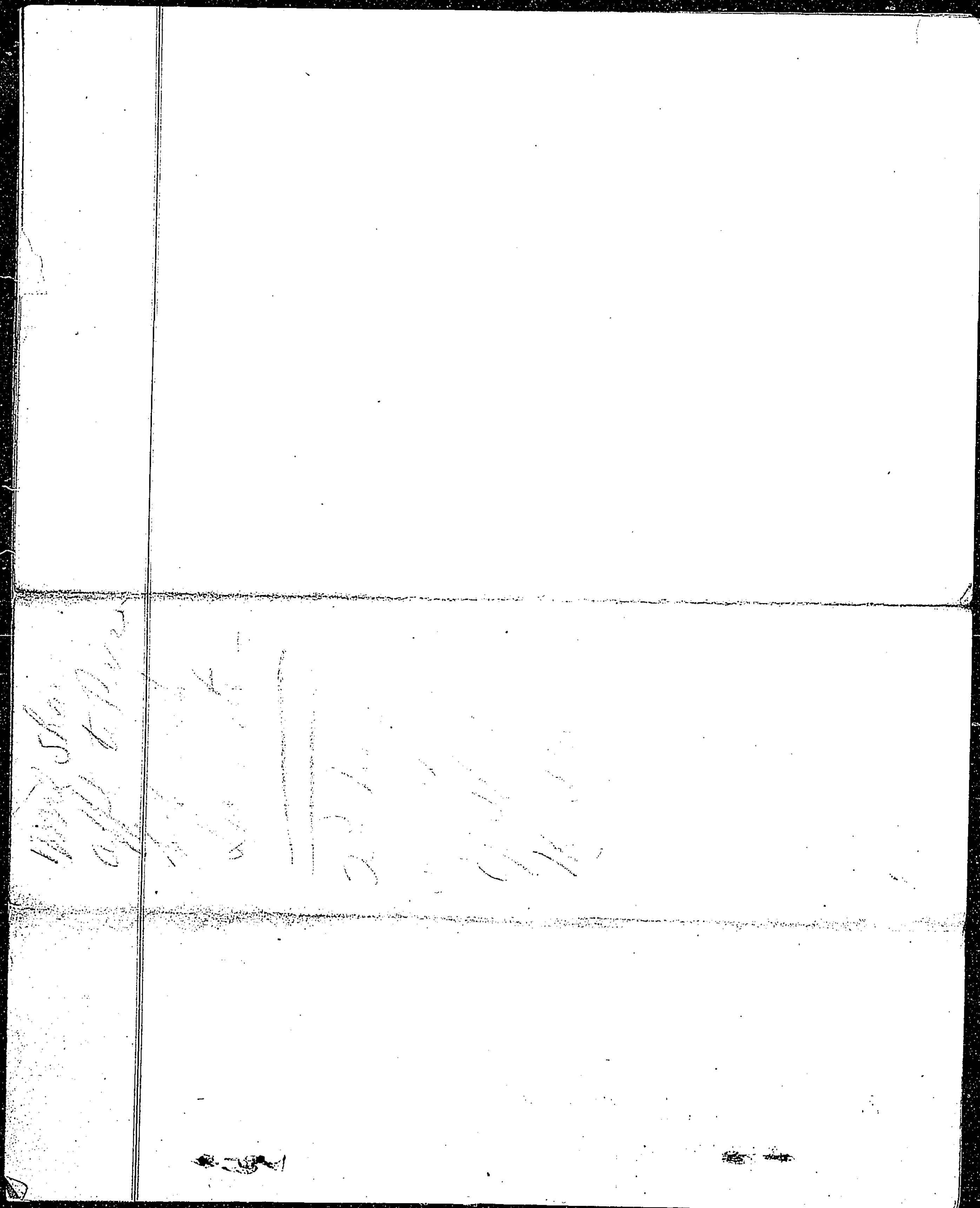
189

at that time "Is she all right" he answered  
"Yes" I then said "Doctor, is she to be  
buried in Potter Field" he said  
"No, she will be buried good and  
nice" he then left

Deponent further says that  
during the time the said Annie  
Goodwin remained, she my house  
she gave me at different times the  
sum of \$4<sup>50</sup> Doctor Mc Gonegal  
also gave me \$10<sup>00</sup> at different times  
for payment in carrying for said  
Annie Goodwin

Deponent further says that  
she knew that said Annie Goodwin  
was pregnant and was suffering  
from the effects of an abortion

0473



0474

Certiorari to  
Certify cause  
of detention

The People of the State of New York to  
The Warden of the City Prison of the  
City and County of New York, Greeting  
We Command you, that you certify fully  
and at large to Hon. George P. Andrews  
or one of the Justices of the Supreme Court  
of the State of New York at a Special  
Term thereof at Chambers, at the Court  
House in the City and County of New York  
on the 30<sup>th</sup> day of July 1890 at 10 1/2 o'clock  
A.M. the day and cause of the imprisonment  
of Henry G. McConnel, Fannie S. Shaw  
and William Davis, by you detained; as is  
said, by whatsoever name the said persons  
shall be called or charged; and have you then  
this writ.

Witness, Hon. George P. Andrews one of  
the Justices of said Court at said City the  
29<sup>th</sup> day of July 1890.

By the Court

W. J. Birdsall  
Atty.

Edward F. Reilly  
Clerk



0475

124

Continued

Allowed  
July 29, 1890.  
George P. Andrews  
J.S.C.

To John R. Fellows Esq.  
Deak Atty.  
adjunct to

124

Within court  
admitted by com.  
that will be  
August 1890 at  
124

The within  
matter is signed  
to 12-11-1890  
July 31-1890  
[Signature]

0476

282 Broadway  
N. Y. Aug 5/90

Paper  
or  
McGonigal

Hon James L. DeLoach  
Assistant District Atty N. Y.

Dear Sir. Will you

please return the papers in this  
card including the papers  
returned from the Police Court,  
affidavits and statements, Coroners  
Inquisition, Indictment and return  
papers submitted by me and  
return to reduce card; to the  
office of the Clerk of the Court  
of Sessions or to the Chief Clerk  
of the District Attorney; so  
that I can get access to them  
tomorrow, Saturday a.m. and

0477

(15)  
Bentley's letter  
dated Aug 5<sup>th</sup> for Perry  
to inspect letter on Sat Aug 6<sup>th</sup>  
& on Monday Aug 8<sup>th</sup>

(15)  
Monday the 8<sup>th</sup> not  
today  
Friday  
W.H. D. D. D.  
City for 10<sup>th</sup>  
Inaugural 18<sup>th</sup>



0478

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

of No. 2267-7th Avenue Street, aged 16 years,  
occupation Housewife being duly sworn deposes and says  
that on the 6th day of February 1889

at the City of New York, in the County of New York William S. Bellis  
and Henry M. Gonigle did unlaw-  
fully with intent to procure the  
miscarriage of deponent, she being  
pregnant of child, and it not being  
necessary to preserve deponent's  
life, a case to be used upon de-  
ponent an instrument to procure  
said abortion in violation of  
Section 294 of the Penal  
Code of the State of New York  
Annie Bitmorer

Sworn to before me this

of March 1889.

231 day

Police Justice

0479

Court of General Sessions of the Peace,  
HELD IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE ON THE COMPLAINT OF

*Samuel Price*

vs.

*Henry McEnroe*  
*et al.*

PART

*One*

OFFENSE,

*Homicide*

CITY AND COUNTY OF NEW YORK, ss.:

*Samuel Price*

being duly

sworn, deposes and says:

That he is a Police Officer attached to the *49th* Precinct. That

*Merritt* is a material and necessary witness on behalf of the People herein. That deponent is informed and verily believes that

the said *Caroline Merritt* will not appear to testify when required, from the fact that

*from the fact that he is implicated in the alleged abortion committed on Annie Gordon as accessory after the fact*

Wherefore deponent prays that the said *Merritt* be required to give sufficient security to assure his attendance when required as a witness, or upon a refusal to furnish such security that he be committed to the House for the Detention of Witnesses, until he be legally discharged.

Sworn to before me, this *6th* day of *August* 189*0*.

*Samuel Price*

*David Anderson*  
*Notary Public (100)*  
*N. Y. Co.*

0480

It appearing by the within affidavit that there is reasonable cause to believe that Cornelius Merritt will not appear to testify, or cannot be served with the process of this Court when required,

I hereby ORDER that the said Cornelius Merritt enter into Recognizance with security in the sum of Twenty Hundred Dollars for his appearance as a witness against the said defendant, and it is further ORDERED, if the said Cornelius Merritt fail to furnish such security for his appearance, that he be committed to the House for the Detention of Witnesses until he give such security or be legally discharged.

Dated New York, August 6th 1890

*J. R. Fellows*  
*By*

10/ Court of General Sessions of the Peace.

PART One

THE PEOPLE, ETC., ON THE  
COMPLAINT OF

Samuel Price

VS.

Henry G. McLaughlin

et al.

Offense

Affidavit and Order to Commit to the House  
for the Detention of Witnesses.

JOHN R. FELLOWS,

District Attorney

NEW YORK COUNTY.

10/



0481

The Coroner then charged the Jury as follows:-

Gentlemen of the Jury:

You will find in your verdict how, when and where the deceased, Annie Goodwin came to her death and who is responsible for her sad and untimely end.

The testimony and evidence plainly shows that she died on July 12th of this year, at the house of Mrs. Fannie Shaw, No. 117 East 105th Street, of Septic Peritonitis or inflammation of the bowels brought on by instrumental interference which was to bring about criminal abortion. The medical testimony distinctly shows that Annie Goodwin was ~~pregnant~~ pregnant three months at the time of her death and that an abortion at the end of that time has taken place. You have heard the evidence that Dr. McGonigel visited the house of Mrs. Fanny Shaw a number of times for the purpose of treating Annie Goodwin. Andrew Fanning swears that he called Dr. McGonigal to see Annie Goodwin at her request on two occasions and that Dr. McGonigal responded each time. The boy Harris who boarded with Mrs. Shaw testifies that he saw Dr. McGonigal come in to Mrs. Shaw's house five or six times and there treat Annie Goodwin until she died on July 12th, when at two

0482

o'clock in the morning Mrs. Shaw awoke him and told him to open the door for Dr. McGonegal. He did so and was then told to go down stairs and hold open the hall door of that house whilst Dr. McGonegal carried the dead body of his poor unfortunate victim down stairs wrapped in a piece of wuilt and deposited her corpse in his gig with which he drove to the establishment of Undertaker Cornelius Merritt on East 122nd Street and had the body of Arnie Goodwin buried by that Undertaker under the fictitious name of Jane Wilbur, and assigned as the cause of her death rheumatism in a certifiante of death granted by him on July 11th, whilst she still lived, as she died only on the following day, July 12th. He gave this certifiante of death to undertaker Cornelius Merritt and paid him twenty dollars to bury the dead body of the poor girl who was so foully done to death by him under a fictitious name for the purpose of covering up the traces of one of the most unprecedented, hideous, horrible, shocking and deliberate crimes ever perpetrated in this large city.

Undertaker Merritt testified before you that he took the certificate given to him by Dr. McGonegal to the Health Board and there obtained a transit permit which enabled him

0483

to bury the body of Annie Goodwin whose name had been changed by Dr. McGonegal to that of Jane Wilbur. Merritt buried this body brought into his establishment in the dead of the night, unperceived by his neighbors, who were sound asleep, in St. Michael's Cemetery in Astoria, Long Island on the same day where after the shocking and horrid criminal instrumental interference on the part of Dr. McGonegal had brought on her death, her body could not be permitted to rest in peace but in the interests of law and justice the body had to be disturbed and exhumed and an autopsy made on her remains which fully and clearly demonstrated as evidenced here by Drs. Conway and Jenkins Coroners Physicians, both reputable and experienced, that her death was due to criminal mal practice and abortion, and that there was no trace whatever of inflammatory or any other kind of rheumatism which Dr. McGonegal with evident intent to wilfully and designedly deceive the Bureau of Vital Atatistics of the Health Board of this City and by giving a wrong name to deceased, in addition to a false cause of death Dr. McGonegal evidently thought he could cover and hush up one of the most dastardly, terrible, and bold crimes ever committed.

Dr. John T. Nagle who has been at that time and is now Deputy Register of Vital Statistics in the Board of



0484

Health of this City comes here and swears that the certificate of death granted by Dr. McGonegal in this case was placed on file and record in the Bureau of Vital Statistics, and after Dr. Nagle read the same to you it was passed into your hands for examination when you will have seen that it was made out by Dr. McGonegal in the name of Jane Wilbur and the cause of death assigned as rheumatism, whilst you have heard the sworn testimony of Mrs. Halliday, the sister of deceased, who testifies that she positively recognized and identified that <sup>corpse</sup> ~~body~~ as the body of her sister, Annie Goodwin, which identification was fully substantiated by Sadie Traphagen, both of whom agreed that they could fully and readily recognize the dead body of Annie Goodwin by the dark, wavy hair, her fine even white teeth and the slight scar on the cheek over the cheek bone, the position of which on the cheek of the dead was plainly indicated to you by Mrs. Halliday, on her own face, she having a similar scar in a like position on her face caused by the bite of a parrot; and the two coroners physicians named swear distinctly and positively, without any hesitation that there were no signs, whatever, of rheumatism of any kind and that death was due undoubtedly to peritonitis and that there were evident signs of instrumental interference that caused the same.

0485

Why did Dr. McGonegal take that body out of Mrs. Shaw's house in the dead of night? Why did he wrap into a quilt and carry it down four flights of stairs into his private conveyance, his gig? Why did he take this body to Undertaker Merritt in the quiet of night when everyone in the neighborhood slept? Why did he pay that undertaker twenty dollars for burying his unfortunate victim's body? Why did he issue a certificate of death, naming deceased Jane Wilbur? Why did he assign a fictitious cause of death rheumatism? Why did he make out and date this ~~xxxxxxx~~ certificate of death on July 11th, 1890 a day prior to the death of the poor deceased? Because he had deliberately, calmly and coolly planned this whole matter. Who knows how often he has done this same thing before?

Are those the acts of an innocent man? No, most emphatically no, but the acts of one who fears the light of day and seeks the dead of night to defeat justice by fraud and thus cover up one of the greatest crimes that can be committed against God and Nature, a double crime -- a double murder, resulting in the death of both the young mother and her unborn child. Who knows how often such crimes have been committed under similar circumstances and then covered and hushed up in a like manner. The punishment for such a bold

0486

and unscrupulous crime cannot be too severe. It should be so heavy as to deter and frighten imitators of Dr. McGonegal from pursuing a similar course. An example should be constituted also for the protection of the great mass of physicians, who fortunately are reputable, honorable upright and conscientious men, who would not lend themselves to such a crime.

Gus Harrison as Mrs. Halliday swears had sexual intercourse with deceased on the lounge of her room. He also gave pills to deceased, and it seems to have been at his instance that Dr. McGonegal called and that makes him also a principal to this crime if you find he was concerned in it, and from the evidence it is clearly your duty to do so.

Mrs. Shaw in concealing and shielding Dr. McGonegal and admitting him in the dead of night to remove the body of Amie Goodwin surreptitiously also did wrong and became a principal, for she was concerned in it and should be punished.

Cornelius Merritt played a part in this detestable crime, which is simply infamous, but for the ends of justice in order to make out a perfect case against Dr. McGonegal and Mrs. Shaw and Harrison the people were compelled to use this infamous and reckless undertaker as a witness.



0487

Circumstantial evidence is so strong, so convincing, in every detail, that the Jury cannot according to the testimony but hold Dr. McGonegal responsible for the death of this girl. Any other verdict would contradict the evidence. The gentlemen of the Jury are honorable and intelligent men. They should and must do their full duty in this case, and if they think any other person or persons are accessories, advisors or abettors of this terrible crime they should unhesitatingly say so in their verdict. If they desire to make any recommendation as to how the repetition of such a crime can be prevented in the future they may also do so.

In my opinion, gentlemen of the Jury, you cannot do otherwise, according to the evidence and testimony before you than hold Dr. McGonegal for the crime of which he stands accused before you.

I repeat that you will not forget to mention in your verdict, how, when and where Annie Goodwin came to her death, and I will give you these papers to guide you in your deliberations.

Gentlemen of the Jury, you will now retire in charge of the Officer of the Court to frame your verdict.

----- oOo -----

0488

/ The Jury then retired, at 2 o'clock, P. M.

-----oOo-----

The Jury returned for further instructions.

THE FOREMAN: We would like to know what to do in regard to Cornelius Merritt.

THE CORONER: He was a witness in the case and he is held by Judge Power as a witness in the case; You can reprimand and censure him severely, but I will advise you not to find him guilty.

A JUROR: On account of the direct evidence he gave for the prosecution?

THE CORONER: Yes.

-----oOo-----

The Jury returned again for further instructions:

THE CORONER: Gentlemen of the Jury, you desire to know whether the Jury can find Harrison guilty as an indirect accessory to this crime. Under section 29 of the Code it is stated, "All concerned in the

0489

"commission of a crime, &c." (reads section of the code). Harrison was caught in sexual intercourse with the deceased, Annie Goodwin, and afterwards he gave deceased pills and sent her money at her request; this makes him a principal. M

MR. Van Vott: To which portion of your Honor's charge  
~~we except~~ we except most emphatically.

-----oOo-----

The Jury returned and brought in  
the following written verdict:

We, the Jury in the case of the death of Annie Goodwin find that the cause of death was by abortion performed by Dr. ~~McGonegal~~ H. G. McGonegal.

As to Mrs. Shaw we find her an accessory before the fact.

As to the coachman Davids, we find him an accessory after the fact.

As to Gus Harrison we find that he is an accessory before the fact.

We would recommend to the Coroner that Merritt



0490

the Undertaker, deserves the most severe censure.

We further find that the deceased came to her death at No. 117 East 105th Street, at the house of Mrs. Fanny Shaw, on the 12th of July, 1890 by reason of the facts before mentioned.

-----oOo-----

George Strapner -

Off. Stenographer -

Council Office -



0492

(The witnesses in the case and the Jury as well as counsel representing the respective parties then repaired to Part III of the Court of General Sessions. )

-----oOo-----

THE CORONER: Gentlemen of the Jury; the case of Annie Goodwin which claims our attention to-day is one that you are very much familiar with through the press; it appears that she died on the 12th day of July; she was buried by an undertaker by the name of Merritt on a certificate of Doctor McGonegal, stating she had died with inflammatory rheumatism. The undertaker interred her in St. Michael's Cemetery, Long Island, on this certificate which was taken out on the 11th while the deceased was still alive. The result of the autopsy will be shown to you and also the evidence of the various witnesses will be presented to you here; the doctors who made the autopsy will give their testimony before you here; and altogether I consider one of the most horrible of crimes committed within the annals of



0493

the history of this city, and I will ask you to give your closest attention to the witnesses whom we shall now call. The first witness is Dr. John T. Nagle, Deputy Register of the Board of Health.

-----oOo-----

JOHN T. NAGLE, M. D., duly sworn, testified as follows:

BY THE CORONER:-

Q What is your occupation? A. Deputy Register of the records of the Health Department of the City of New York.

Q The certificate of death was filed with you on the 12th of July in the case of Jane Wilbur? A. On the 13th of July.

Q Of this year? A. Yes.

Q Have you that certificate with you? A. Yes, sir.

Q This is the original certificate of death, is it?

A. Yes, sir.

Q Of Jane Wilbur, so called? A. Yes, sir.

(Witnesses produces the certificate of death.)

B Read the certificate.

0494

Witness reads the certificate of  
death, as follows:

"Jane Wilbur. I hereby certify that I attended  
"deceased from July 3rd, 1890 to July 11th, 1890, that I  
"last saw her alive on the 11th day of July, 1890, that she  
"died on the 11th day of July, 1890, about 3, P. M., and  
"that to the best of my knowledge ~~and~~ and belief the cause  
"of her death was as hereunder written:  
"Chief cause, Inflammatory rheumatism of heart, (duration  
"of disease 8 days).  
"Contributing cause, Inflammatory rheumatism.  
"Sanitary observations,

Witness my hand this 13th day of

"July, 1890,

H. G. McGonegal, M. R., 217 W. 123rd Street.  
"Place of Burial, St. Michaels.  
"Date of Burial, July 13th, 1890.  
"Undertaker, C. Merritt,  
"Residence, 204 E. 123rd Street."

WITNESS: Another portion of the certificate reads as  
follows:-

"Date of death: 11th July, 1890.  
"Full name: Jane Wilbur.  
"Age: 29 years.  
"Color: White.  
"Single, married or widowed: single.  
"Occupation: Saleslady.  
"Birthplace: England.  
"How long in U. S.:, if foreign born: Four years.  
(4)

0495

"How long resident in New York City: One year.  
"Father's name: John Wilbur.  
"Father's birthplace: England.  
"Mother's name: Sarah Wilbur.  
"Mother's birthplace: England.  
"Place of death: 239 E. 108th Street.  
"Last place of residence: 239 East 108th Street.  
"Class of dwelling: tenement.  
"Direct cause of death: Inflammatory rheumatism of heart.  
"Indirect cause of death: Inflam. rheumatism.  
"Date of record: July 12th, 1890."

The certificate is marked in evidence  
Exhibit No. 1, July 25th, 1890.

-----oOo-----

MARY HALLIDAY, duly sworn, testified as follows:

BY THE CORONER:-

Q Where do you reside? A. No. 304 East 126th Street.

Q You are a sister of the deceased? A. Yes.

Q You were brought to St. Michael's Cemetery, Astoria,  
Long Island, to identify the remains of your sister, were  
you not? A. Yes, sir.

Q On what day? A. The day before yesterday.

Q By what did you identify those remains? A. By her  
hair and a mark on her cheek, her black hair and her cheeks,  
and her teeth.

Q On which cheek? A. On the left cheek.



0496

I

Q Where? A. I have one just like it.

I  
Q Describe where it is? A. On the cheek-bone, right here (indicating to her cheek.)

Q What peculiarity was there about her hair? A. A wave in it and the way she had it made in front when I last saw her.

Q What about the teeth? A. The shape of them; she showed it to me -- she showed them to me the last time I saw her alive, she was going to have one filled in front.

Q Do you know Augustus Harrison? A. Yes, sir.

Q How long have you known him? A. A year ago last Christmas.

Q What do you know of him? A. No good.

Q Did he keep company with your sister? A. Yes.

Q Did you ever see him in an embarrassing position with her? A. Yes, sir; I did.

Q When? A. On the 13th of February last.

Q Where? A. The year she was in my house, a year ago last February, in my house.

Q Will you state to the Jury in plain language just what occurred? A. It was on the 13th of February last year, 1889.

Q What occurred -- what took place? A. Annie was alone

0497

I in the room and Mr. Harrison he told me to go outside and I went outside and Annis came through and I was lying on the bed; he went out and brought in a bottle of wine and he gave it to the girl and she drank it; and our ceiling -- the door will not shut and I was lying on the bed as if I was sleeping and I looked through and I saw them together. She jumped up and said, "Oh, Gus, if my father knew this he would kill me." He said, "Two can play at that game; I carry a pop too."

Q Did they have sexual intercourse? A. Yes, sir; with one another.

Q Where? A. On my lounge.

BY MR. BEDFORD:-

Q Where is this house situated? A. No. 304 East 126th Street.

Q On what floor? A. On the top floor.

Q Was this in your room? A. In the parlor.

Q Where were you? A. In the bedroom next to the parlor

Q And could you see this? A. Yes.

Q How? A. Through the crack of the door.

Q Which would not shut because of the swelling? A. Yes; there is a swelling on top.

0498

P

Q Which prevented the door from closing? A Yes.

Q That enables you to see through that crack? A. Yes.

And the next night he came and took her away to a ball and kept her out until five o'clock in the morning.

Q What ball did he say? A. The Cuckoo Ball.

Q Where was this ball held? A. In Sultzer's Harlem River Park. The next day he came out and he watched them and he took her out on the road into a road house. She went out with him.

Q Did he take her out? A. She went out and met him with a horse and wagon and went driving with him to a road house and never returned until three o'clock the next morning, and she was under the influence of drink.

Q And did he return? A. Yes.

Q In consequence of all these facts what did you do -- did you say anything to Harrison, find any fault? A. No, sir; I didn't say nothing but I told my father the next day and my mother, and of course they didn't believe it; and I told my husband, and we laid in wait for Harrison and the next few nights after he came again and my husband while they were in there pulled the door open and she jumped up and he looked -- I didn't see what they were doing then; but she said that I am watching her too closely and she said to me if you don't want him, I will some other



I way; he came to the house on a Sunday evening then and I said my sister left me on account of you and I warn you. He said, "Your sister is a true, and virtuous little lady and I can vouch for it."

Q This was after you caught them in sexual intercourse on the lounge? A. Yes.

Q That was the reason that Ammie Goodwin left your house? A. Yes; she told me she could have a free foot there and bring whoever she pleased.

Q What time of the day was it when the sexual intercourse took place? A. In the night, between eleven and twelve o'clock; he never left her room.

BY MR. BIRDSALL:-

Q Fix the time, as near as you can as to when you saw this alleged sexual intercourse? A. The night before the Cuckoo ball.

Q When was that? A. On the 14th of February, a year ago last February.

Q 1889? A. Yes.

Q When did your sister leave your house? A. She left my house about a few days after, it was on Sunday --

Q During the month of February, 1889 she left your house? A. Yes.

0500

Q Never to return? A. Yes.

Q Have you seen Mr. Harrison with her since? A. Yes.

Q When was the last time? A. I saw him with her at the last Cuckoo ball, in January, this year.

Q What year? A. This year.

Q That is the last time you saw them together? A. Yes.

Q That is all you know about Mr. Harrison's connection with this sad affair? A. Yes, sir.

-----oOo-----

SADIE E. TRAPHAGEN, duly sworn, testified as follows:-

BY THE CORONER:-

Q Where do you live? A. No. 227 East 126th Street.

Q How long have you known the deceased? Ammie Goodwin?

A. About eighteen months.

Q Did you see her frequently? A. Quite frequently, yes.

Q How often? A. I never went out with her much; the last year, but we slept together.

Q Where did you sleep together? A. In the same room, in my house.

0501

- Q In your house? A. Yes.
- Q You were brought to St. Michael's Cemetery in Astoria to identify the remains of Annie Goodwin, buried under the name of Jane Wilbur? A. Yes, sir.
- Q Did you identify her? A. Yes.
- Q How? A. By her hair, teeth and stockings she wore.
- Q What was the peculiarity about her hair? A. It was black and very wavy.
- Q And her teeth? A. They are even and nice -- they were all good.
- Q Do you know Gus Harrison? A. Yes, sir.
- Q What do you know of him? A. I know nothing much about him.
- Q Did you ever see him with the deceased, Annie Goodwin? A. Yes.
- Q How often? A. Last year I seen them quite often together.
- Q How often? A. Well, every other night or so.
- Q Where? A. He called at my house sometimes and sometimes she would meet him.
- Q Where did she meet him? A. I couldn't tell you.
- Q You could not say? A. No, sir.
- Q Did you ever discover them in an embarrassing position?



0502

A. No, sir.

Q Did you ever see them embrace each other? A. No, sir

BY ASSISTANT DISTRICT ATTORNEY BEDFORD:-

Q The remains that you saw in the cemetery you positively recognized as Ammie Goodwin's? A. Yes.

Q Positively? A. Yes, sir.

Q After she left Mrs. Halliday she came and lived with you and your family? A. Yes, sir.

Q Then she left your family and went to Mrs. Collins, did she not? A. Yes, sir.

Q Did you visit her at Mrs. Collins'? A. Yes, sir.

Q I believe she went to Mrs. Collins' house on the 2nd of July? A. Yes.

Q Did she take a room for a week? A. Yes.

Q What night was it that you went and saw her at Mrs. Collins'? A. I went with her on Wednesday.

Q Did you engage the rooms together? A. No, sir, but I went with her.

Q How long did she engage the room for? A. I didn't hear.

Q And then you left? A. Yes, sir.

Q Did you visit her when she went to Mrs. Shaw's? A. I went to Mrs. Collins' on a Saturday and was informed that

0503

she had been taken away from there; they did not know her whereabouts.

Q And you found out she was at Mrs. Shaw's? A. The following Thursday I received a note from her asking me to come and see her.

Q This was at Mrs. Shaw's? A. Yes.

Q Where is Mrs. Shaw's place, where does she live?

A. 105th Street, between Lexington and Fourth Avenues.

Q What time of the month was it and about what time?

A. It <sup>was</sup> about either the ninth or the tenth of July; I ~~had my business~~ left my business and went there.

Q What ~~conditioned~~ room did you find her in in Mrs. Shaw's? A. I found her in the front room on the top floor.

Q When you entered was there anybody in the room besides Annie Goodwin? A. No, sir.

Q Was she undressed? A. She was in bed.

Q She was ill? A. Yes.

Q How long did you stay? A. About five minutes.

Q That was between nine and ten o'clock? A. Yes.

Q When did you call again -- you left her in about five minutes? When you called on the 9th or 10th of July?

A. Yes; they said not to talk to her too much.

Q Who said that? A. Mrs. Shaw.

0504

Q Mrs. Shaw told you not to talk to her too much? A. Yes.

Q You left in about five minutes? A. Yes.

Q Did you again call on Annie? A. The following evening.

Q Did you see her? A. Yes; she said she had been very low in the night but she was somewhat better.

Q Was Mrs. Shaw there then? A. Yes.

Q Did Mrs. Shaw say anything then? A. No, sir.

Q How long did you stay on this second visit? A. Five or ten minutes.

Q The third time -- did you go there the third time?

A. On Friday I went there, that was the second time, I got there about half past six and Mrs. Shaw asked me to bring her a night dress.

Q Did you put it on Annie? A. I handed it to Mrs. Shaw and didn't see Annie, I didn't call then until the following Monday, that was the 14th of July.

Q Did you see Mrs. Shaw on the 14th of July? A. Yes, sir.

Q Did you have any conversation with her with regard to Annie's illness? A. Yes.



0505

Q State to the Jury what Mrs. Shaw told you on the 14th of July? A. I got there about half past nine in the morning; I was informed she was getting better, I stayed about four hours and was informed afterwards she was dead.

Q Mrs. Shaw at first told you she was better? A. Yes.

Q ~~Did she~~ Did she let you go ~~in~~ the room? A. No, sir; she kept me out of the room.

Q How did she come to tell you that? A. I asked her to tell me the truth, ~~is~~ Annie dead? And she said yes and she brought me in the room.

Q And you recognized ~~her~~ her then? A. I didn't see Annie, no, there was nobody in the room, there was nobody there.

Q Did you see Mrs. Shaw again? A. No, sir, not after that.

Q What did she say afterwards? A. I asked her what they did with Annie and she said the doctor came and took her away on a Sunday night, in a coach.

Q She took you into the room where she died on the 14th?

A. Yes, sir.

Q She told you first she was doing nicely? A. Yes.

Q And she said then that the doctor came there on Sunday morning at two o'clock? A. Two o'clock on Sunday morning and took her away; the doctor had taken her away and she

0506

didn't know where he had taken her; she asked the doctor where he was going to take Annie and she said that he told her it was all right, and not to worry.

I Q Did she say how she was taken away? A. No, sir; she ~~said~~ said the doctor carried her downstairs himself at two o'clock in the morning and put her in a coach and he drove the coach himself, and I also asked her what she put on Annie when she was taken away.

Q What did she say? A. She put all clean clothes on her, she was fixed very nicely; I also asked her about her rings and she said they were on her when they removed her.

Q When you saw her in the cemetery was she nicely dressed?

A. No, sir, all that I seen was a night dress on her and a pair of stockings.

Q ~~Did~~ Did Mrs. Shaw tell you anything about washing her?

A. She said she washed her very nicely and put all clean clothes on her.

Q Did she say anything about helping wrapping her up?

A. No, sir.

Q You also had a conversation with Dr. McGonegal, since Annie's death? A. Yes, sir.

Q Annie died you say on the 12th of July? A. Yes.

Q When was it that Dr. McGonegal, the prisoner had any conversation with you -- when did you have any conversation with him after Annie's death -- what date, do you remember

0507

about? A. Monday, on the 14th, he came to my house in the evening.

Q Were you in at the time? A. Yes, I was in. He asked me if I had anything in Annie's hand-writing -- any piece of paper in Annie's handwriting; I said I did. I gave him an envelope with Annie's handwriting on it. He asked me afterwards if I would imitate her handwriting and write a note to her sister and he would drop it in in Jersey City.

Q In reply to all those requests what did you say?

A. I refused.

Q Was that the end of the interview? A. He wrote on a piece of paper just what he wished me to imitate.

Q Do you remember what that was? A. Yes, sir.

Q What was it that he write, that he ~~wished~~ wished you to imitate? A. It began, "Sister Mamie; I am doing nicely with an old friend of mine -- working with an old friend of mine every day and Sunday; will be home in a month or two." I don't think it was signed.

Q And he wanted you to copy that and sign it? A. Yes, sir.

Q And he would mail it? A. Yes; he left it at my house and in the morning I wrote him a note stating that I would not do anything like that for him, and I returned



0508

the note to the doctor.

Q This was on the 14th of July, two days after Annie Goodwin's death? A. Yes.

Q And he wanted you to sign Annie Goodwin's name to the letter? A. I suppose so; it was not signed.

Q He wanted you to imitate her handwriting? A. Yes, sir.

Q And he wrote this letter to Annie Goodwin's sister? A. Yes.

Q Did he come again after you returned that note? A. Yes, sir; once more.

Q What took place? A. He wanted me to come over to his office at one o'clock.

Q What then -- did you go? A. No, sir; I did not.

Q Did you send any word to him? A. No, sir; after he asked me and I refused he said if he had a letter sent to my house type-written stating that Annie was learning type-writing and doing nicely and telling her sister not to worry if I would show it to her; if he would send a letter stating that -- a type-written letter stating that she was doing well and learning type-writing, whether I would show it to Mrs. Halliday.

Q That was on the 15th or the 16th of July? A. It was

0509

the second interview.

Q Did you take the type-written letter and send it or read it to Mrs. Halliday? A. No, sir; I said I wouldn't do anything like that.

Q Did you see him again? A. No, sir; I never seen ~~him~~ him since.

Q Did he at any time at any interview or afterwards tell you after you refused to write these letters, did he tell you that Annie was dead? A. I knew she was dead from what Mrs. Shaw told me and when I went there on Monday Mrs. Shaw sent for the doctor.

Q He knew you were told? A. Yes.

Q And he wanted you to imitate her hand-writing? A. Yes

Q And tell her sister she was learning type-writing? A. Yes.

Q The doctor told you he would mail the letter in Jersey City that would make her sister believe that Annie was in Jersey City -- did he say that? A. No, sir.

CROSS EXAMINATION:-

BY MR. BIRDSALL:-

Q You said you knew Miss Goodwin for about 18 months?

A. Yes, sir.

05 10

Q Were you an intimate associate of hers? A. Not for the last seven or eight months.

Q How long and how often during the last year had you seen her? A. I seen her every night -- we *sleep* together.

Q Did you go out with her? A. Very seldom.

Q Was she in the habit of going to concert saloons and such places? A. No, sir.

Q Did you ever see her in Schwab's concert saloon?

A. Yes.

Q How often had you seen her there to the best of your recollection? A. I couldn't say, quite often.

Q Was she always in the company with the same gentleman?

A. No, sir, different ones.

Q Different gentlemen on different occasions? A. Yes.

Q And about what was the number of different gentlemen through the past year? A. The last *six* months she has not been going with anybody steady during the last *six* months; sometimes the same gentleman two or three times.

Q As near as you can state how many different gentlemen had she been within Schwab's or other concert saloons?

A. She never went to any other but Schwab's that I know of.

Q I ask you how many gentlemen was she in company with --





05 12

Q What is your business? A. I rent rooms there.

Q Did you know the deceased, Annie Goodwin? A. Yes, sir, she came to my house and rented a room.

Q On what date was this? A. The second of July.

Q Of this year? A. Yes.

Q About what hour? A. In the afternoon.

Q What conversation took place between you and her?

A. I asked her if her parents were alive and she said no; I asked her if she had any relations and she said she had none; she said she boarded with Mrs. Traphagen, and this woman Sadie Traphagen was with her and that she was a type-writer -- that <sup>she</sup> Annie Goodwin was a type-writer.

Q Did she rent a room? A. Yes, sir, and the second day she was taken sick.

Q The second day she was taken sick? A. Yes.

Q Did any doctor come there? A. In the evening a doctor came.

Q What doctor? A. I asked him his name and he said it was Doctor McGonegal.

Q Would you recognize him if you saw him? A. Yes.

Q (To Dr. McGonegal) Stand up, Dr. McGonegal. Is that the man that came? A. Yes, sir; that is the man.

Q That is the doctor? A. Yes.

05 13

- Q And he visited Annie Goodwin and she was taken sick the second day after she rented the room? A. Yes.
- Q Were you in the room when this doctor came in? A. Yes.
- Q State what then took place? A. I told the doctor that if there was anything wrong to take her to a hospital; he said he would take her away in his own gig.
- Q At what time was this? A. That was <sup>nine</sup> ~~xxx~~ o'clock in the evening.
- Q Did he take her away in his own gig at nine o'clock in the evening? A. He came back a few minutes before ten o'clock and took her.
- Q Was she in bed when he came back? A. She was not undressed; she was lying on the bed in her clothes. She dressed herself and walked down stairs.
- Q And that is all you know about it? A. Yes.
- Q Did he make any explanation to you? A. No, sir; ~~xxx~~ he would not.
- Q Did you ask him what was the matter with her? A. No, sir; not particularly; I thought myself it was a suspicious case.
- Q And consequently you told the doctor to take her away if she was going to be sick? A. Yes, sir.



05 14

BY THE CORONER:-

Q Who were her visitors there? A. One young man that she wrote for to bring her the doctor, his name was Fanning and he brought the doctor.

Q When was this? A. The evening that she was taken sick.

Q What evening was that? A. The fourth of July, this year.

Q This year? A. Yes.

BY ASS'T DISTRICT ATTORNEY BEDFORD:-

Q Were you in the room when Fanning entered where Annie Goodwin was? A. Yes, sir.

Q What did Annie Goodwin say to Fanning? A. He went for the doctor.

Q Before he went for the doctor something must have been said; do you know what Annie Goodwin said to Fanning to make him go for a doctor? A. He said she was very sick and wanted a doctor.

Q Who named McGonegal, Fanning or she? A. I asked her the name of the doctor and she said Dr. Smith.

Q Did she ask for Dr. Smith to be sent for? A. I asked her the name of the doctor myself and she pretended the name was Smith.

05 15

Q What doctor came? A. When the doctor came I asked him and he said no it was McGonegal.

Q And then you have told about the interview and he took her away? A. Yes, sir.

BY THE CORONER:-

Q Were there any other visitors outside of the doctor and Fanning? A. No, sir.

Q She was only at your house about two days? A. Two days and a night.

-----oOo-----

05 16

ANDREW FANNING, duly sworn, testified as follows:-

By The Coroner.

Q. Where do you reside? A. No. 129 East 117th Street.

Q. What is your occupation? A. Book-keeper.

Q. Are you a married man or a single man A. Single.

Q. How long have you known Armie Goodwin? deceased?

A. I should think about a year and a half or two years;  
I cannot say positively.

Q. How came you to be acquainted with her? A. To tell  
the truth, I can't remember.

Q. How often did you see her within that space of time?

A. At times I saw her quite often; I looked upon Miss  
Goodwin as a friend - if I had'nt thought that she was a  
virtuous woman I would not have gone with her, and she acted  
as a perfect lady would act; I will just give you an in-  
stance of it, one night I invited her out to theatre and  
there was a low remark made - a low remark was passed in the  
audience and she colored up and showed that she was very  
much shocked, and that made me think all the more of her  
purity; the way I came to go to Mrs. Collin's house was, she  
sent me a note.

By District Attorney Bedford :

Q That note was addressed Drew? A. Drew Fanning.

Q. What is your first name? A. Andrew.

(26)



0517

I

Q. And your friends call you what? A. Drew.

Q. That accounts for the name of Drew? A. Yes.

Q. That is really the name you go by ~~xxxxxx~~ among your intimates? A. Yes, sir.

Q. Short for Andrew? A. Yes, sir.

Q. You never went under the name of Mr. Drew? A. No, sir.

Q. Your friends call you ~~xxxxx~~ Drew? A. Yes.

Q. She wrote to you and called you Drew, as many of your other friends called you? A. Yes, sir.

Q. And you went there? A. Yes.

Q. Did you find her well or sick? A. She was lying down and she said, Drew I wish you would go for a Doctor; I said our family physician is out of town; I would get my family physician but he is out of town; but I would try and find him, she said no, I want you to go for Dr. McGonegal.

Q. What did you say then - was that the first time you ever heard of his name? A. Yes, sir..

Q. What did you say to that? A. I asked her why she wanted me to go for that Doctor when she was very ill, why not have a Doctor near there; after she told me where the Doctor lived I told her that.

Q. What did she say to that? A. She said I want Dr. McGonegal and no one else.

Q. Did you start for him? A. Yes, sir.

( 28 )

05 18

- Q. Did you go to his place? A. Yes, sir.
- Q. Was he in? A. No, sir.
- Q. What did you do? A. I left word for him to come over as soon as he came in.
- Q. Did you return to Annie Goodwin? A. I returned to Mrs. Collin's house; yes, sir.
- Q. Did you wait until Dr. McGonegal came in? A. No, sir, I did not; I waited about three quarters of an hour or a half an hour and Annie complained of feeling tired and would like to have a sleep; she asked me if I wouldn't come back in the evening; I went back in the evening and she was in terrible pain then.
- Q. At what time of the evening was it?? A. I got to her house about a quarter to 8 o'clock.
- Q. What did you say to her or she to you? A. She said I want you to go ~~up~~ once for the Doctor.
- Q. What Doctor? A. Dr. McGonegal.
- Q. She asked you to go for Dr. McGonegal again
- A. Yes.
- Q. And did you go? A. Yes, sir.
- Q. Did you bring him? A. Yes, sir.
- Q. Were you in the room at the time the Doctor was there?
- A. Yes, sir, when he first came.
- Q. Did you remain there in the room? A. Annie requested

05 19

me to leave.

Q. Who requested you? A. Annie requested me to leave the room.

Q. Did Dr. McGonegal say anything - did Dr. McGonegal say anything when she requested you to leave? A. He asked Mrs. Collins to leave then.

Q. Annie had asked you to leave? A. Yes, sir.

Q. Did you go, or what did you do? A. They suggested my stepping into the front room.

Q. Did you do so? A. Yes.

Q. What did Mrs. Collins do? A. She remained in as far as I know.

Q. When you stepped into the front room you heard the Dr. Doctor request Mrs. Collins to leave? A. Yes.

Q. And you don't know whether Mrs. Collins remained or not? A. No, sir.

Q. How long did you remain in the front room? A. Only a few minutes and they opened the door.

Q. Who opened the door, Dr. McGonegal, or who - or don't you remember? A. I don't remember.

Q. Somebody opened the door? A. Yes, sir.

Q. Who was in the room which you entered? A. Mrs. Collins and the Doctor and Annie.

Q. What was said then? A. Annie said to me, she said



0520

I got to go away from here; they won't let me stay, she said that looking towards Mrs. Collins.

I Q. What did you say? A. I thought it was too bad - not thinking - not knowing what was the matter and I said Mrs. Collins - I thought it rather heartless sending a girl out that was sick.

Q. What did Mrs. Collins say by way of explanation?

A. As much as to say she didn't want to see anything - she didn't want to say anything to me - she spoke as if it was none of my business.

Q. Did you leave? A. A. Then I stayed around - I stayed around a while and the Doctor left and came back and took her away.

Q. Were you present when he took her away? A. I was, yes.

Q. Did you see him put her in a gig? A. Yes, sir.

Q. Did you know where she was going to? A. No, sir.

Q. And you never saw her since? A. No, sir.

Q. When you first said that you would get your family physician she refused and told you to get Dr. McGonaga; you never heard about Dr. McGonagal - you never knew there was anything the matter with Annie, except sickness?

A. I thought she was strictly virtuous.

Q. And I believe you were going to marry her? A. If this had not happened - it was an understood thing between you -

0521

was it not? A. You can hardly say that I was engaged to her - I thought a great deal of the girl as a friend - I would take her out - I would take her out to places of amusement, A

Q. You liked her and respected her? A. Yes, sir.

Q. And you considered her a lady? A. Yes, sir.

Q. Until this matter was discovered? A. Yes, sir.

By Mr. Van Gort

Q. How long have you known Annie Goodwin? A. A year and a half or two years.

Q. Did you know she was in the habit of going out with other men? A. I knew she had other friends.

Q. Other gentlemen friends? A. Yes, sir.

-----000-----

ALBERT HARRIS, duly sworn, testified as follows:-

BY THE CORONER.

Q. Where do you reside? A. No. 117 East 105th Street.

Q. What is your occupation? A. I have not had any occupation lately; I have been peddling with a man by the name of Greenfield.

Q. Were you living in the same house with Mrs. Shaw?

A. Yes, sir.

(81)

0522

Q. What is her first name? A. Fannie.

Q. What is the number of the house? A. No. 117 East 105th Street.

Q. Were you employed by her? A. Yes, sir; I boarded with her and I asked her while I didn't have any work that she kept me there.

Q. Did you see Dr. McGonegal there? A. Yes, sir

Q. Would you recognize him, if you saw him now?

A. Yes, sir.

THE CORONER: Dr. McGonegal, stand up.

Q. Is that Dr. McGonegal, is that the man? A. Yes, sir

Q. Who was boarding with Mrs. Shaw besides you?

A. An old lady.

Q. What was her name? A. Mrs. Little.

Q. Was there any girl there by the name of Annie Goodwin?

A. Yes, sir.

Q. How long was she with Mrs. Shaw? A. I couldn't tell how long, I hardly went into the room there where she was; I hardly ever went into her room and one day she sent me in with some coffee for her.

Q. Where was Annie Goodwin then? A. In the house.

Q. Was she in bed? A. In bed.

Q. How often did Dr. McGonegal call there? A. I couldn't tell the exact time for I was down in the street sometimes;



0523

I saw  
~~xxxx~~him about five or six times.

Q. You know <sup>whom</sup> he called on, do you know upon whom he called?

A. I think on Annie Goodwin.

Q. On a certain night did he not come down with the body of Annie Goodwin - did you see him? A. Yes, sir.

Q. With the body of Annie Goodwin wrapped up in a blanket - in a quilt? A. Yes, sir.

Q. On what night was this? A. A. On a Sunday morning

Q. What day? A. It was two o'clock.

Q. Where were you at that time? A. In bed.

Q. How did you know the Doctor was there? A. Mrs.

Shaw woke me up and told me to open the door for the Doctor

Q. Dr. McGonegal came in? A. Yes.

Q. State what took place? A. I don't know, the door was closed and I went down stairs and she ~~woke~~ me up - I went down stairs she asked me to go.

Q. The door was closed <sup>in the room</sup> in which Annie Goodwin was?

A. Yes, sir; and I went down and opened the front door of the house and I saw him pass out.

Q. Who? A. The Doctor, and he asked me when he went out whether it was all right, no, I asked him if it was all right, and he said yes; I see nobody, but I looked out of the window, I only saw his horse and carriage.

Q. What kind of a carriage? A. A gig and a gray horse -

0524

a two wheeled gig.

Q Was he carrying anything? A. When he came down stairs he was carrying Annie Goodwin in a quilt.

Q Do you know whether she was alive or dead the ?

A. No, sir;, But I saw her over his back -- over his shoulder.

BY ASS'T DISTRICT ATTORNEY BEDFORD:-

Q Mrs. Shaw woke you up? A. Yes, sir.

Q And Mrs. Shaw told you to go down stairs and open the lower front door? A. Yes, sir.

Q So that the doctor could go out? A. Yes.

Q For him to go out? A. Yes.

Q And was he carrying the quilt with Annie Goodwin in it? A. Yes.

Q The gig was in front of Mrs. Shaw's house at the time?

A. It was in front of No. 119 when I saw it, next door to us.

Q The gig was next door? A. Yes.

Q When you saw the doctor with Annie Goodwin did he walk towards the gate? A. He went out the gate and said -- I said is it all right and he said yes.

Q Did he ask you to go in? A. No, sir; I went right

(34)

0525

upstairs.

Q Did you see Mrs. Shaw when you went upstairs? A. Yes.

Q Did she ask you anything? A. She asked me what he put her in, and I said a gig.

Q Is that Mrs. Shaw? (indicating to Mrs. Shaw in the Court room) A. Yes, sir.

Q That is the woman that told you to open the lower door to allow this man out with Ammie Goodwin in the quilt?

A. Yes, and at first, afterwards she asked me what he put her in.

Q What did you say? A. He had his gig in front of next door, 119.

Q Did she ask any more? A. Not that I remember.

Q What did you do? A. I went upstairs and went to bed again and slept until morning.

Q You are positive that this is the woman that told you to open the door? A. Yes.

Q And you are positive that Dr. McGonegal was the one that took her out? A. Yes.

~~Q~~ Was his coachman there? A. I didn't see his coachman

~~Q~~ You didn't see anybody -- you went right in again?

A. Yes.

Q (By a Juror) Did you let the doctor in first off?

A. No, sir.



0526

Q You don't know who opened the door? A. No, sir.

-----oOo-----

CORNELIUS MERRITT, duly sworn, testified as follows:

BY THE CORONER:-

Q Where do you live? A. 103 East 122nd Street.

Q What is your occupation? A. Undertaker.

Q How long have you known Dr. McGonegal? A. Since 1878 or 1879, I won't say which year.

Q Was he in the habit of recommending you? A. No more than any other physician would.

Q You came to bury a body for him on a certificate of death of his, did you not? A. In which case?

Q In the case of Jane Wilbur? A. Yes.

Q You recognize this certificate? (Certificate shown witness.) A. Yes.

Q It was given you by whom? A. Dr. McGonegal.

Q What conversation did you have with him? And when was this? A. The doctor came there on a Saturday afternoon between two and three o'clock -- I cannot say exactly.

Q Do you remember what date that was? A? It was the 12th of July, this year.

0527

Q Between two and three o'clock? A. Yes. And said he had a patient -- a poor girl that was dying with inflammatory rheumatism and asked me what I would bury her for; She was poor and had no money; I gave him the figure, \$25. I told him. He asked me is that was the lowest I could do it for and I said \$25.00. I said where is it? He said at 108th Street. That is all he said.

Q How came you to get possession of the body? A. The doctor brought it there between one and two o'clock in the morning, on a Sunday morning.

Q How did he bring it there? A. In his gig.

Q Who carried it into your store? A. A colored man.

Q Is that the man that carried it in? (Indicating to William Davids<sup>W</sup> the colored man) A. I cannot say so.

Q Please refresh your recollection? A. I cannot.

BY ASS'T DISTRICT ATTORNEY BEDFORD:-

Q Was that the man that stood in the gate -- <sup>a</sup> ~~the~~ colored man ~~that~~ carried the body into your store? A. Yes. *90*

Q It was in a quilt? A. Yes.

Q A colored man carried it? A. Yes.

Q About that man's size? A. That I cannot exactly tell you.

Q Are you near-sighted? A. No, sir; I am not.

Q

0528

Q Have you any doubt that Dr. McGonegal is the man, you know he is the man? A. Yes, and if I recollected ~~it~~ positively of this gentleman I would say yes, but I am not positive.

BY THE CORONER:-

Q What further took place? A. The doctor gave me the certifiacte and I confined the body; the doctor was only in there a moment.

Q What kind of a coffin was it? A. The same as any undertaker would use, a white wood coffin stained imitation of walnut.

Q When did you take this body to the cemetery? A. In St. Michael's Astoria, on Sunday afternoon between the hours of two and three o'clock.

Q In a hearse? A. No, sir; in my own covered wagon.

Q Who drove that wagon over? A. I did.

Q Did any-one accompany you? A. No, sir.

Q What disposition did you make of it when you got there?  
A. I buried it the same as anyone else.

Q What did you do with this certificate? A. Sent it to the Board of Health and got my permit.

Q And then? A. I took it to St. Michael's Cemetery and buried it.



0529

Q Another certificate was necessary? A. At Newtown, yes, I got that from the Board of Health -- the Newtown Board of Health.

Q Who laid out this body in the coffin? A. I did.

Q Then this body was brought to you how was it clad -- how was she clothed? A. In her undergarments.

Q Describe how she was clad? A. I saw myself, I saw night-gown and a blanket -- a blanket wrapped around the body and her nightgown.

Q Can you describe this blanket? A. No, sir; I think it was a blocked blanket -- an old quilt; I laid the blanket back and saw the white night shirt with little red fancy work on it; I didn't notice it particularly.

Q Is it not usual for you if you lay out a body to lay it face upwards? A. Yes, I did in this case, I always lay the body in the side of the face and where people object we lay them on their back.

Q You laid this body on which side? A. I don't know; I can't remember it.

Q Can you describe this corpse? A. Not accurately, no, sir; I saw no picture that represented the young lady that I buried; in my own mind I felt it was a case of charity and I did it.

0530

Q Have you buried many bodies for Doctor McGonegal in this manner? A. No, sir; he came to me once and asked me to bury a poor lady and I did so.

Q Did he bring it to your house also? A. No, sir.

Mr. Levine, of counsel for Mr. Merritt objects to this line of questions and states that this witness was not accused of anything and has nothing to fear in this investigation.

THE CORONER: I will not permit any technicality to interfere with this investigation.

BY ASS'T DISTRICT ATTORNEY BEDFORD:-

Q How much did Dr. McGonegal pay you? A. Twenty dollars on Sunday morning.

Q What time was it? A. About half past ten in the morning.

Q When ~~he~~<sup>he</sup> came there with the remains of Ammie Goodwin what time was that? A. Before two o'clock?

Q On Sunday morning, what time did he see you before the colored man brought the remains in? A. He said, here is the certificate, Mr. Merritt," and the colored man walked in behind him with the body before I could realize it.

Q Didn't it startle you? A. For a moment.

Q Only for a moment? A. Yes.

0531

Q How long have you been an undertaker? A. Since 1879.

Q How many jobs of this kind have you done since that time?

A. None.

Q Why did you do this one? A. From the recommendation I had of Dr. McGonegal as a practitioner?

Q He was recommended to you -- what recommendation?

A. That he was an A No. 1 physician.

Q Who recommended him? A. Different people.

Q Did you ever have any A No. 1 physician bring a dead girl to you wrapped in a quilt before? A. No, sir.

Q Do you consider him an A No. 1 physician now? A. No, sir.

Q You were deceived in him? A. Well --

Q What were they -- who was it and who gave a recommendation -- I want to know who gave him the A No. 1 character as a physician before, who did this? A. The families he was serving.

Q What families? A. Different ones.

Q Didn't you say to this A No. 1 physician, "For God's sake Doctor, what are you going to do; are you going to put me in a hole?" A. I deny it.

Q Did you say it? A. No, sir.

Q Will you swear under oath you did not say it? A. I do.

Q Did you ever tell Mr. Mott that you said to the doctor



0532

For God's sake, doctor, what are you going to do; are you going to put me in a hole? A. I think it was Mr. Mott -- I think it was to Mr. Mott under the influence of the moment --

Q Under the influence of the moment you told Detective Mott, you said, "Doctor, For God's sake what are you going to do, are you going to put me in a hole?" A. I used these words but not "put me in a hole" by bringing the body here at that hour of the morning; the words bringing me in a hole was taken off.

Q You said "For God's sake what are you going to do? By bringing the body at this hour of the morning?" A. Yes.

Q What did he say to you about that? A. He said it was all right.

Q And you having implicit confidence in him acted as an undertaker in the matter? A. Yes, sir.

~~RE-DIRECT EXAMINATION:~~

BY MR. LEVINE:-

Q You adopted every measure that you adopt in all cases where a body is brought to you? A. Yes.

Q You required a burial certificate? A. Yes, sir.

Q You took the steps usual on the part of an undertaker?  
A. Yes.

0533

Q And those which the law require? A. Yes, sir.

Q And you knew Dr. McGonegal was a practicing physician?

A. Yes.

Q And you knew nothing of course as to the cause of the girl's death? A. No, sir.

Q When he had informed you of the cause of death and produced the certificate you say he did you took it for granted that that was the cause? A. Yes, sir; exactly.

Q He told you she was very poor? A. Those were the words he used.

Q That was the reason your charges were so light? A. Yes

Q You have no reason to believe that the doctor desired to conceal the burial of this corpse? A. Not at the time, I did not.

Q At what time? A. Since this thing has come out.

Q Since it came out -- but prior to that you had no reason to believe that he did? A. No, sir.

Q I understand you to say you took it in your covered wagon to the graveyard? A. Yes.

Q That is all usual in charity cases? A. Yes.

Q It is usual for all undertakers to do so in cases of this kind? A. Yes.

Q You never knew this girl before? A. No, sir.

0534

BY ASSISTANT DISTRICT ATTORNEY BEDFORD:-

Q The charity was twenty dollars in your pocket, was it not? A. He was to pay me twenty-five and gave me twenty.

Q You call that charity? A. Yes.

Q When did you think that the doctor didn't want to conceal anything under those circumstances -- when did you commence to think he wanted to conceal it? A. This Tuesday, when I was taken in.

Q It came to you? A. It came to me that the doctor's record was not as I heard it.

BY MR. LEVINE:-

Q It came to you also that it was a little unusual to bring a body to the house at that time? A. Yes.

Q And when you saw these circumstances ~~published~~ published, you began to think there was something wrong in this matter? A. Yes, sir.

Q And that was the first time you had any misgivings?

A. Yes, sir.

Q And you buried poor people before in this way? A. Yes, sir.

BY MR. BEDFORD:-

Q But poor as they were they were never brought in a quilt on a man's shoulder, were they? A. No, sir.



0535

FREDERICK J. MOTT, duly sworn, testified as follows:

BY THE CORONER:-

Q You are a detective attached to what precinct? A. 29th Precinct.

Q How long have you acted in that capacity? A. Three years.

Q Tell this Jury what you know about this case?

A. We were informed on the 18th instant that a girl had met her death by one Dr. McGonegal and her name was Goodwin and ~~da~~ resided in the Storm King Flats. We inquired into the thing and found there was something in it, and first went to Sadie Traphagen, but she denied all knowledge of it and said she was still living; we went to her father's and from there we went to her sister's, Mrs. Halliday; Mrs. Halliday stated that Ammie had left there and went down to Mrs. Traphagen, but had not seen her in two or three weeks and didn't know what became of her, and she said if anybody knew where she was it was a man by the name of Gus Harrison who kept company with her, and we started out to look for him and found him between 127th and 128th Streets in company with two men. I asked him if his name was Harrison and he said no; I said I will take my chances on you.

0536

MR. BEDFORD: Harrison please stand up.

Q Is that the man you are speaking of? A. Yes, sir. Before we got to 126th Street at the Station House he said "Yes, that is my name, I was afraid of getting licked and that is why I denied it." He wanted to know why he was arrested and I said can't you guess? He said "No." When we got about fifty feet from the station house he asked me if it was a woman's case; I said yes; he said what woman? I said Annie Goodwin. He said, "I hope nothing happened to her." He made a statement that he had not seen Annie Goodwin in about two months or a little over; he met her on Second Avenue and she told him she was in trouble; he gave her some medicine -- some pills and she went away. He afterwards met her about a week or so afterwards and she told him they had done her no good and he gave her twenty-five dollars and said if you are going to have any abortion performed on you I will take no chances, I will give you the money and that ends it; and she left him. On the 3rd of July she met a friend of Harrison by the name of McCreary and told McCreary her condition and he told Harrison and Harrison said he gave McCreary fifty dollars and to give that to her and told him don't let her know where it came from; make her believe it came from you; McCreary went to

0537

the place where she was and found she had been taken away and he returned the money to Harrison. With that information we went back to Sadie Traphagen and she acknowledged the whole truth about Annie being dead and where she was placed and about a woman named Shaw and Dr. McGonegal taking her out. I went down with Sadie to Mrs. Shaw's and went up stairs to Mrs. Shaw's and told her we heard the truth about the death of Annie Goodwin from Mrs. Shaw and took her in custody, and we came back and arrested Dr. McGonegal about half past four in the morning.

BY MR. VAN COTT:-

Q Have you stated all of Gus' Harrison's connection with the case? A. Yes, sir.

Q Have you stated all that you know about his connection with this case? A. That is all I can remember; yes.

Q (BY MR. CRANDELD) When did he say he saw Annie Goodwin last? A. Two or three months ago -- it was about two or three months ago that he seen her last.

Q (MR. BEDFORD) When he gave her the pills? A. Yes.

-----oOo-----

RECESS.



0530

THE CORONER: The Jury will please not talk to anybody about this case in or out of the Court Room and report anyone that does.

-----oOo-----

AFTER RECESS.

THE CORONER: I will have to adjourn this case until to-morrow morning at 10 o'clock, on account of the absence of important witnesses.

I will warn the Jury that they must speak to no one about this case and if they are approached by anyone to report it.

Counsel for the respective parties ask for an adjournment until Monday.  
The request is denied.

-----oOo-----

Hearing adjourned until to-morrow  
Saturday July 26th, 1890, 10 o'clock, A.M.

-----oOo-----

0539

INQUEST INTO THE MATTER OF THE  
DEATH

- of -

ANNIE GOODWIN, deceased.

) Before  
CORONER MESSEMER  
and a Jury.

New York, July 28th, 1890,  
11 o'clock, A. M.

HEARING RESUMED.

PRESENT: Counsel for the respective parties, the prisoners and witnesses; Ex-Judge Bedford representing the People.

oOo

THE CORONER: Gentlemen of the Jury; with the concurrence of Judge Bedford who represents the District Attorney's Office we will now take a recess until 12 o'clock, and in the meantime you twelve gentlemen of the Jury and Drs. Conway and Jenkins will inspect the body of the deceased, Annie Goodwin; we will then proceed with this inquest and take further testimony. The officers will preserve the utmost

0540

order while the Jury leaves the Court Room.

MR. OLIVER: How far is it to the place where the body is to be inspected? Why cannot we take a longer recess, a further recess?

THE CORONER: We will take a recess until twelve o'clock, gentlemen.

-----oOo-----

The Jury in charge of the Court Officers together with Drs. Conway and Jenkins proceeded to No. 136 First Avenue, to the undertaking establishment of Herman H. Kipp to view the body of Annie Goodwin, deceased.

-----oOo-----

(PROCEEDINGS AT No. 136 FIRST AVENUE.)

CORONER MESSEMER: Gentlemen of the Jury, Drs. Conway and Jenkins, the physicians who made the autopsy on this body at St. Michael's Cemetery, Astoria, Long Island, where the body was identified by Mrs. Halliday and Sadie Traphagen will now view the body



0541

in your presence and state whether this is the identical body upon which they made the autopsy and which was identified by those witnesses. The gentlemen of the Jury will please file by here.

The Coroner now calls the roll of the Jurors as they file into the enclosure where the body is on view.

THE CORONER: (To Dr. Conway) Doctor, do you recognize that this is the body upon which you performed the autopsy and which was identified as the body of Annie Goodwin at St. Michael's Cemetery, Astoria, Long Island?

DR. CONWAY: Yes, sir, I do.

THE CORONER: (To Dr. Jenkins) Do you recognize this as the body which was identified at St. Michael's Cemetery, Astoria, Long Island, to be the body of Annie Goodwin?

DR. JENKINS: Yes, sir.

THE CORONER: The Jury will please file by here and view the body.

0542

The Coroner and Jury then proceeded to the Court of General Sessions, Part III to resume the hearing of testimony.

-----oOo-----

THE CORONER: I will now call Edward C. Scheurer as the next witness.

MR. JOHNSON: Before your Honor calls anymore witnesses I would attempt to make a statement to the Court.

MR. BEDFORD: I desire that this investigation be carried on regularly and properly. The section of the Code says that a Coroner's Jury after inspecting the body and hearing the testimony and listening to your Honor's charge are in a position to render a verdict which is valid. This Jury has listened to a portion of the testimony, then inspected the remains and there are four witnesses that the People desire to call and testify; then, when the People rest my friends if they see fit can make any argument they wish and I will pledge you my word I will tear it to shreds. This eagerness on Friday before your Honor had adjourned they wanted to get off.

0543

this wonderful argument -- to-day is a very hot day this packed Court Room makes the atmosphere very close, and I begin to believe that these gentlemen think their argument is so inherently weak, that if they do not get it off now it will melt into insignificance in the heat of the day.

THE CORONER: I will sustain the motion of Judge Bedford; I will not hear you until the testimony is in.

-----oOo-----

EDWARD E. SCHEURER, duly sworn, testified as follows:-

BY THE CORONER:-

Q Where do you live? A. Town of Newtown, County of Queens.

Q What is your occupation? A. Superintendent of the Cemetery, St. Michael's Cemetery.

Q Where located? A. Newtown, Long Island.

Q You have the certificates under which the body of Annie Goodwin was buried under the name of Jane Wilbur? A. I have.

Q Have you it here? A. Yes.



0544

Q Will you produce it? A. Here it is.

(Witness produces the certificate.)

Q Will you read this permit? A. Yes, sir.

(The witness reads the burial permit  
as follows:-)

"New York, 13th July, 1890.

"The Certificate of death having been furnished to  
"me as required by the laws of this State, permission is  
"hereby given to remove the remains of Jane Wilbur aged  
"29, who died at No. 239 East 108th Street, New York City,  
"on July 11th, 1890, the cause of death rheumatism, and a  
"transit permit being asked for burial at St. Michael's in  
"the State of

"Name of undertaker or person in  
"charge of the transit,  
"C. Merritt.

"J. T. Nagle, M. D.,  
"Register of Records,  
"301 Mott Street,  
"New York City."

Annexed to permit is a slip which

reads as follows:-

"Interment.

July 13th, 1890.

"Grave, No. 51, Range No. 15, Plot 1."

Q Now read the Newtown Burial Permit.

Witness reads permit as follows:-

0545

"New York, N. Y., 7, 13th, 1890.

"Permission is hereby granted to inter the body of  
"Jane Wilbur, aged 29, who died at 239 East 108th Street,  
"on 7, 11, 1890, cause of death rheumatism. Interment,  
"in St. Michael's Cemetery; Undertaker C. Merritt.  
"Transit Permit No. 23052, granted by New York Board of  
"Health.

"M. Wise, Clerk.

Frank W Wickham,  
Chief Clerk."

The transit permit is marked Exhibit  
No. 2, July 28th, 1890. The Newtown  
Burial Permit is marked Exhibit No. 3,  
July 28th, 1890.

BY MR. BEDFORD:-

Q Mr. Superintendent, the remains that were buried in ac-  
cordance with the certificate as Jane Wilbur were they the  
same remains that were subsequently identified by Mrs.  
Halliday and Sadie Traphagen as the remains of Amie Good-  
win? A.. They were.

Q State to the Jury what you know about this case?

A. I know nothing further about it; the body was brought  
by Undertaker Merritt on Sunday Afternoon about two or  
three o'clock, I couldn't tell you exactly, he brought it

0546

there and bought a grave for interment and paid twelve dollars for it for which he received a receipt; it was exhumed on the 23rd of July, I think it was, by Coroner Messenger; it was buried and exhumed again and an autopsy was made, and the body was exhumed again for removal to Woodlawn Cemetery; that is all I can state; that is all I know about it.

-----oOo-----

JOSEPH E. MacReady, duly sworn, testified as follows:-

BY THE CORONER:-

Q Where do you reside? A. 161 East 115th Street.

Q What is your occupation? A. Blacksmith.

BY MR. BEDFORD:-

Q Do you know Augustus Harrison? A. I do.

Q Did he any time before July or in the month of July give you any money to take to Ammie Goodwin? A. During the month of July?

Q At any time? A. He did.

Q When? A. On the 5th of July.

Q On the 5th of July he gave you money? A. Yes, sir.

Q How much? A. Fifty dollars.



0547

Q What did he tell you to do with that? A. He told me to give it to Annie Goodwin and pretend I was giving it as my own money, not that he was giving it.

Q What did you do? A. I went to give it to Annie Goodwin and she was gone from the place where I saw her last.

Q Did you prior to the day that he gave you the fifty dollars with the instruction to give it to her did you give her any twenty-five dollars before that? A. No, sir.

Q Did you give her any amount? A. No, sir.

Q None whatever? A. None whatever.

Q Did you return the fifty dollars? A. I did.

Q Did he tell you what was the reason why he sent fifty dollars to her? A. No, sir.

Q Did you ask him? A. I did not.

Q Didn't it seem ~~ya~~ to you queer to take fifty dollars to a girl that was sick? A. It did not.

Q You swear positively he never gave you twenty-five dollars before? A. No, sir.

Q Did he give it to anybody else? A. No, sir.

Q You couldn't find her? A. No, sir.

Q To what place did you go to? A. To a house in 127th Street, between Third and Lexington Avenues.

Q To Mrs. Shaw's house? A. No, sir.

0548

Q To Mrs. Collins? A. Yes.

Q Whom did you see? A. I saw Mrs. Collins and she told me that Dr. McGongela had taken Miss Goodwin away; that she was in labor pain and had been taken away.

Q Mrs. Collins told you that Annie Goodwin was taken away by Dr. McGonegal and when she was taken away she was then in labor pain? A. Yes, sir; that is the very word, sir.

THE CORONER: Gentlemen of the defence, including Mr.

Levien, have you any questions to ask?

COUNSEL FOR THE PRISONERS: No, sir; we have not.

THE CORONER: Gentlemen of the Jury have you any questions to ask?

(No response.)

-----oOo-----

DR. WILLIAM CONWAY, duly sworn, testified as follows:-

BY THE CORONER:

Q What is your full name? A. William A. Conway.

Q Where do you reside? A. No. 153 East Broadway.

Q What is your occupation? A. Physician and surgeon.

Q Are you a physician to the Board of Coroners? A. I am, sir.

0549

Q You have been a physician for that Board how many years? A. About six years.

Q How long have you been in practice? A. About twenty-two years.

Q You went to St. Michael's Cemetery, Astoria, to make an autopsy? A. Yes, sir, I did.

Q On the body of whom? A. Annie Goodwin.

Q How did you know her to be such? A. I knew her to be such by the identification of Miss Traphagen, and her sister, Mrs. Halliday.

Q On what date was this? A. The 23rd of July, I think, last Wednesday.

Q About what time did you make that autopsy? A. About half past four or five o'clock.

Q Did anyone assist you? A. Dr. Jenkins.

Q Will you describe that autopsy and the result thereof?

A. The body when examined was in an advanced state of decomposition; it seemed to have been fairly well nourished in life; the abdominal cavity when opened contained a quart of grayish foul fluid containing broken down ~~fib~~ fibrins; the womb was enlarged; the right fallopian tube ovary and broad ligaments were bound down by adhesion; the mouth of the womb was patent admitting easily the first joint



0550

of index finger; the circular fibres had been ruptured on the left side. On opening the uterus the mucus membrane on the right lateral and anterior aspect of the neck just below the internal os an abrasion about an inch in diameter was found. The body of the womb extending into the right cornua was the site of placental attachment about two inches in diameter. The kidneys were normal in size but decomposed; the spleen was decomposed; the liver was decomposed. All the organs were pale and anaemic looking; right lungs normal and left normal with the exception of a few old ~~parapleuritic~~ adhesions; they were also anaemic looking; the heart was pale and anaemic, otherwise normal; valves were all competent; and very small patch about half an inch in size on the anterior aspect of left ventricle was found of old adhesions from pericarditis.

Q What was the cause of death of this girl? A. The cause of death was Septic Peritonitis, inflammation of the bowels, following an abortion at at least the third month of pregnancy.

BY MR. BEDFORD:-

Q You with his Honor the Coroner, and Dr. Jenkins together with the Jury were at No. 136 First Avenue? A. I was.

Q You saw certain remains there? A. Yes, sir; I did.

0551

Q Were the remains that you inspected with this Jury this morning the remains that you held the autopsy upon in St. Michael's Cemetery, Astoria, Long Island? A. They were.

Q And those remains that were identified by Mrs. Halliday and Sadie Traphagen at St. Michael's Cemetery were the same identical remains that the Jury inspected to-day?

A. Yes, sir, they are.

Q As I understand it you testified that peritonitis -- septic peritonitis was the cause of this girl's death?

A. Yes.

Q That an abortion was performed creating and causing the peritonitis? A. Yes, sir.

Q And that the <sup>abortion</sup> ~~peritonitis~~ causing the peritonitis of Annie Goodwin the autopsy showed that she was when the autopsy was performed at least three months pregnant? A. Yes, sir.

BY THE CORONER:-

Q Did you find any traces of rheumatism, whatever?

A. None of recence --

Q Did you find any traces whatever? A. None whatever.

Q This abortion was brought on by what? A. In my opinion by some instrumental interference.

0552

BY PRISONER'S COUNSEL:-

Q When did you make this autopsy, doctor? A. On the 23rd of July.

Q Where? A. St. Michael's Cemetery.

Q Were you present when that body was exhumed? A. No, sir.

Q Had it been removed from the grave before you came there

A. It was then in the receiving vault.

Q Had the coffin been opened prior -- was the coffin opened in your presence? A. The coffin was opened in my presence, yes, sir.

Q But it had been removed from the receiving vault before you came? A. No, sir; it was in the receiving vault.

Q Who removed it? A. I was not there; I couldn't say.

Q Did the Jury inspect the body at St. Michael's Cemetery?

JUDGE BEDFORD: What Jury?

WITNESS: No Jury inspected the body at St. Michael's Cemetery.

Q Was there a Coroner's Jury impanelled at that time, do you know? A. No.

Q In whose presence was this autopsy made? A. In the presence of the Coroner and some gentlemen attached to the newspapers in this city.



0553

Q What County was this in? A. What County?

Q Yes, what county? A. I guess it was in Queens County; I am not up in the geography of Long Island.

Q And the Jury you have stated viewed the remains to-day?

A. Yes, sir; the Jury viewed the remains to-day.

Q Where? A. At No. 136 First Avenue, in this City -- in the County of New York.

Q That is in New York County, is it not? A. Yes; I know it is in New York County.

Q You know enough geography to remember that? A. Yes; I know where I live.

Q Did the persons who were at the place in First Avenue in this county to view the body the same persons that viewed it at St. Michael's Cemetery -- were those the same persons that viewed it to-day? A. I couldn't say.

Q (By Judge Bedford) You were present when these twelve sworn jurors viewed the remains to-day? A. Yes, sir.

Q You were present when these twelve sworn jurors, sworn in this county, inspected the remains of Ammie Goodwin at 136 First Avenue, in this City? A. Yes, sir.

BY MR. LEVIEN:-

Q Were any persons sworn as jurors in Queens County, if you know? A. Were any persons sworn?

0554

Q Were any persons sworn as Jurors? A. As Jurors?

Q Yes? A. No; there were no persons sworn as Jurors.

Q (Mr. Bedford) Your knowledge? A. Not to my knowledge, no, sir.

BY MR. LEVIEN:-

Q If any had been sworn you would have known it -- could it have happened without your knowing it?

Assistant District Attorney Bedford objects to the question.

Objection sustained.

Q Was there a jury impanelled?

MR. BEDFORD: I object to the question; the witness has stated that he didn't know.

Objection sustained.

BY MR. BIRDSALL:-

Q In stating what you did at this autopsy you apparently read from a memorandum? A. Yes, sir.

Q Is the memorandum and your testimony -- does it contain a statement of all you did and all you saw at this autopsy? A. Of the medical facts, yes.

----- o0o -----

0555

DR. WILLIAM P. JENKINS:- duly sworn, testified as follows:-

BY THE CORONER:-

Q What is your full name, Doctor? A. William P. Jenkins.

Q Where do you reside? A. No. 109 East 26th Street, New York City.

Q What is your occupation? A. Coroner's physician for the City and County of New York -- one of the four.

Q How long have you been Coroner's physician? A. For eight years.

Q How long have you been practicing? A. Eleven years.

Q You with Doctor Conway made an autopsy at St. Michael's Cemetery, Astoria, Long Island? A. I did.

Q Do you remember the date? A. I think it was the 23rd of July -- the afternoon of the 23rd of July.

Q Do you remember on whom you made this autopsy? A. Yes, sir; on Annie Goodwin.

Q How do you know her to be such? A. She was identified in my presence by Miss Traphagen and Mrs. Halliday.

Q You this morning went with this Jury to No. 126 First Avenue? Did you not? A. Yes, sir.

Q And in their presence viewed the body of Annie Goodwin?



0556

A. Yes, sir.

Q How did you know that that was the body? A. By the appearance of the body; by the appearance of the body it was the same body that I saw at St. Michael's Cemetery.

Q Will you state to the Jury the result of your autopsy at St. Michael's Cemetery? A. The autopsy made at St. Michael's Cemetery was corroborated of Dr. Conway's testimony in reference to that view -- except the measures of the uterus; the uterus when removed measured 4 and three quarter inches in length and three and three quarter inches in width between the two fillopien tubes the broadest portion of the fundus; the ~~maxx~~ neck of the uterus on external examination was found to be patulous and soft and admitting the first joint of the index finger; and upon removing the finger it was found to be stained with vitrious serum; removing the uterus and opening the vagina it was found to be congested and undergoing decomposition; the left border of the neck of the uterus was lacerated partly through exuding mucus membrane; on the right anterior aspect of the neck without the internal os, was an ulcerated spot about an inch in diameter. The uterine cavity was larger than normal; on the right anterior aspect of the body the mucus membrane extending into the cornia

0557

was the site of placental attachment. The cause of death was an inflammation of the peritonium and cellular tissue of the pelvis, septic in character, the result of an abortion in about the third month at least of utero gestation or pregnancy.

Q And there had been instrumental interference?

A. Yes, sir.

BY MR. BEDFORD:-

Q You heard Dr. Conway's evidence? A. Yes, sir.

Q He said peritonitis was the cause of death and it was caused by an abortion? A. Yes, sir.

Q And using instruments -- do you agree with him?

A. Mainly with him -- that portion that the result was instrumental interference.

Q What was her condition as regards her pregnancy?

A. From the measurement of the uterus she was at least in the third month of utero gestation.

Q You found no trace of rheumatism as the bogus and forged instrument said? A. No rheumatism could be detected.

Q A clear case of abortion as you found it as an expert?

A. Yes, sir.

BY MR. BIRDSALL:-

Q You have stated in your testimony or that you did and

0558

saw of a medical character bearing upon this case? A.

The minute details which Dr. Conway described I corroborated and I only added a few more.

Q I ask you if that is all you did and all you saw?

A. Yes.

Q Medically speaking? A. Yes, sir.

BY MR. LEVIEN:-

Q You say you have been a practicing physician for a number of years? A. Yes, sir.

Q Is your knowledge of geography large enough to know what County St. Michael's Cemetery is in? A. I am informed, it is in Queens County.

Q Did you visit there that day for the purpose of assisting in the autopsy? A. Yes, sir.

Q You went there with the coroner? A. No, sir; I went there later and when I got there I found the gentlemen who were present at the autopsy with the exception of the people who came to identify it were there.

Q Do you know whether any Jury were impanelled in that County? A. There were six gentlemen sworn; what they were sworn for I don't know.

Q You were present? A. I was some distance away.

0559

Q Who were they called by? A. Coroner Messemer --  
they were sworn by Coroner Messemer.

Q And did you testify before them in that County?

A. No, sir; I only gave my information; I assisted in  
the autopsy.

Q Was any evidence taken? A. No, sir; I was not  
sworn at all.

Q Was any evidence taken at that time? A. I think not,  
sir.

Q Do you know anything about it? A. I do not.

BY MR. BEDFORD:-

Q You know very well there was nobody sworn there right  
in this Court? A. No, sir.

~~QxxxxAxxxxxwxxxxxxQxxxxAxxxxxVesxxx~~

Q Six men were sworn? A. Yes.

Q You did not testify and nobody testified? A. No,  
sir; I was not sworn nor testified.

MR. BEDFORD: The people rest.

WITNESS: I saw six gentlemen -- there were some gentle-  
men sworn -- I don't know how many there were.

MR. JOHNSON: If I have the permission of the Court now  
I should like to make a statement, the statement  
which I attempted to make before and which may be



0560

of importance or may not be of importance. I desire to state before anything else that I have never had any idea in making that statement than to further the ends of justice and to assist this Court in avoiding any error which would prevent the bringing of criminals to justice. Judge Bedford, the Assistant District Attorney made a declaration that if he made a statement here that will show an irregularity in these proceedings he will be able to tear it to shreds and I heartily wish that he may be able to do so; there is nobody that desires more than I do that the criminals if there are any that they should be made to suffer for the crimes they committed and I heartily endorse any further action that may be taken by the authorities that can further the ends of justice. The point I desire particularly to bring before this Court is this: We believe honestly that the Court was proceeding in a manner that was irregular by the fact that the Coroner had erroneously made use of two juries. We understood from good evidence that the autopsy was made, that the Coroner then did in accordance with Section 773 of the Code and in accordance with the law summon a jury and did swear the

0561

Jury and took such further steps as the law requires him to take; that after the Jury was sworn in and he had done all that the law required they proceeded to take some testimony in the way of identification and certain testimony was given and the case at that time closed as far as the proceedings were concerned. The Coroner then comes to the City and impanels a new jury without going through the regular form of discharging the first Jury and there has never been a case in the Coroner's Office in which two juries have been taken. The code lays down very clearly at the section I have mentioned that the coroner should, "When he is informed that a person has been killed or dangerously wounded "by another, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the "act of another, by criminal means, or has committed "suicide, he must go to the place where the person "is, and forthwith summon not less than nine nor "more than fifteen persons qualified by law to serve "as jurors to appear before him forthwith, at a "specified place to inquire into the cause of the "death or wound."

0562

The next section reads, "When six or more of the  
"Jurors appear they must be sworn by the Coroner  
"&C."

When the coroner goes to the place the Coroner must  
at that time summon the Jury; if he didn't summon  
a Jury from nine to fourteen persons or did some  
act that the law requires his action now is illegal  
under Section 773; it is illegal under Section 774,  
"When six or more persons appear -- when six or  
"more of the jurors appear, men that were thorough  
competent to pass upon the questions, that they must  
be sworn by the Coroner ~~wh~~ to inquire who the person  
was and when and where the person came to his death.  
The next section outlines what the Coroner's duty  
shall be with regard to subpoenaing the witnesses.  
Section 777 is very clear that the Jury that the  
coroner had been compelled to summon must render a  
verdict where the body is after inspecting the  
body, and the law allows him to adjourn the pro-  
ceeding; but one Jury must hear the case; Judge  
Bedford has stated that a Coroner's Jury who views  
the body and who hears the testimony is competent to  
render a verdict; that is exactly what the law



0563

anticipates, but the law goes further and states that there must under no circumstances be more than one Jury. I will not go into any elaborate exposition of the case, and I believe that the District Attorney who is distinguished in law and <sup>a</sup> distinguished practitioner at the criminal bar he should be competent to advise you properly to do what is legal and regular, and I shall be glad to see him able to prove that the statements of the case that I make will not stand and that your proceedings so far have been regular. I will simply cite one case and that is the case of the People against Fitzgerald, where a coroner undertook to make a medical examination without impaneling a jury; the Court in rendering the decision decided that the Coroner had lost jurisdiction simply because he had not proceeded according to law; that he must proceed in accordance with the section of the criminal code; that judgment of the Supreme Court, I believe, was sustained in the Court of Appeals, without going into the question as to whether the Coroner had acted properly or not, conceding that that is so, then an indictment upon the evidence submitted



0564

before the Coroner under those circumstances could not be sustained. There is another case and I presume there is a number of other cases but ~~if~~ I will not trouble you with any further citation; I have stated my facts, and I believe the District Attorney will clear it up, -- he is abundantly able to do so.

MR. LEVIEN: If your Honor please, I desire to make a statement because I received a reprimand. I do not believe that I have any rights here. I do not understand that persons here have any right if it comes to that, to counsel; Your Honor's duties are simply and only to ascertain the cause of the death of this poor unfortunate girl. You are entitled to the assistance of the District Attorney. We are entitled to call no witnesses. I do not understand that we have any right to be heard; if we are heard we are heard by your Honor's courtesy and that is why I desire to say to your Honor that I took my seat when your Honor told me to do so; if I had any legal status I should have insisted upon my rights. Now, if your Honor please the learned counsel who conducts the prosecution has made a

0565

I threat to do some tearing -- to tear our argument to pieces. It is very warm weather and I hope there is not a great deal of tearing to do. We desire ~~inxxxx in~~ to inform the Court that we will make no motion in this case; we have no desire to impede or hinder the determination; if parties are guilty they should be punished, but I desire to see nothing irregular in these proceedings which may afford a loophole for the guilty to escape and for that reason we desire to make the suggestion and to give our friend Bedford full and ample notice of it, and that is the reason of the adjournment on Saturday without giving us an opportunity or to allow anyone to be heard.

JUDGE BEDFORD: If your Honor please, some years ago -- many years ago I read a fable how a great mountain labored and labored and after intense aching produced and brought forth a little mouse.

That mountain although people up to this day have laughed at it -- it stands out in great magnificence compared to the nine legal giants here now opposing. Because for fifty-six hours or more they have been in the throes of agony and labor and

0566

at last what is it -- they produced and brought forward an argument not the weight of a flea.-- Mr. Johnson and Mr. Levien have very kindly stated an expressed a great regret that so much money the tax payers have wasted upon this case and that it is a nullity to-day, and it is almost hinted at that the serious and solemn duty we are all under oath to discharge simply for the vindication of the law and the satisfaction of justice.-- Mr. Levien I don't know why he said it, I cannot imagine, but he says to your Honor we are not in their circus.-- He and the nine giants may imagine they are but your Honor and these twelve gentlemen here fully realize that we are under oath in the temple of justice sworn at all hazards to do right. The gentleman says he would be pleased for the sake of the community if I could tear this flea argument to pieces; now, Mr. Johnson, listen for your own edification. I argue that there never has been since this abortion was committed up to this very moment never but one Jury impanelled in this case; and that is this Jury now here. This Jury



0567

was properly and lawfully impanelled by your Honor in Part III, this Court Room of the General Sessions, which has jurisdiction over all crimes committed in the City and County of New York; they heard a portion of this testimony, they have inspected the remains, they have heard since the inspection of the remains the balance of the testimony and they are now in accordance with the section of the code qualified and in a position, -- under the section of the code which was quoted by my distinguished friend, they are now in a position, legally, to listen to your Honor's charge and to render a verdict in accordance with their conscience.

-----oOo-----



0568

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

*Fannie D. Shaw* 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—*Fannie D. Shaw*

Question—How old are you?

Answer—*38 years*

Question—Where were you born?

Answer—*State of New York*

Question—Where do you live?

Answer—*117 E. 105th St.*

Question—What is your occupation?

Answer—*Laundress*

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

*By direction of my counsel  
I decline to make any statement  
except that I am not guilty  
Fannie D. Shaw*

Taken before me, this *28th* day of *July*  
*N. J. O. Messers*

*1890*

CORONER.



0570

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Augustus D. Harrison* 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 *Augustus F. Harrison*

Question—How old are you?

Answer—*26 years*

Question—Where were you born?

Answer—*New York City*

Question—Where do you live?

Answer—*25th, 120th St.*

Question—What is your occupation?

Answer—*I have none at present*

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

*By direction of my counsel  
I decline to make any statement  
except that I am not guilty of  
the charge*

*Augustus D. Harrison*

Taken before me, this *28th* day of *July*

*1890*

*W. J. B. Meserian*

CORONER.

11570

**HOMICIDE.**

**AN INQUISITION.**

*On the VIEW of the BODY of*

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

*Inquest taken on the*

*day*

*of*

*before*

*Coroner.*

*Committed*

*Prisoned*

*Discharged*

*Date of death*

**MEMORANDA.**

AGE	Years	Months	Days
PLACE OF NATIVITY	WHERE FOUND		
DATE When Reported			



0572

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Davis* 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—*William Davis*

Question—How old are you?

Answer—*32 years*

Question—Where were you born?

Answer—*Virginia*

Question—Where do you live?

Answer—*217 N. 12th St.*

Question—What is your occupation?

Answer—*Servant*

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

*By direction of my counsel I decline to make any statement except that I am not guilty of the charge*

*William Davis*  
his mark

Taken before me, this *28th* day of *July*

*W. B. Meserve*

*1890*  
CORONER.

0573

3  
Inquirer 293/1890

HOMICIDE.

AN INQUISITION. 1168

On the VIEW of the BODY of

Annie Goodwin

whereby it is found that she came to

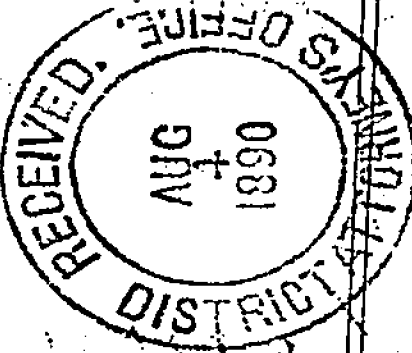
her Death by the hands of

Henry J. McSweeney  
and others

Inquest taken on the 25<sup>th</sup> + 28<sup>th</sup> day of

July 1890

James J. McSweeney  
Coroner.



Committed

Bailed

Discharged

Date of death

AGE	PLACE OF NATIVITY			WHERE FOUND	DATE When Reported
	Years	Months	Days		

MEMORANDA.

0574

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

*Henry G. McGonigal* 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—*Henry G. McGonigal*

Question—How old are you?

Answer—*70 years old*

Question—Where were you born?

Answer—*In the State of New York*

Question—Where do you live?

Answer—*217 N. 12 St. N*

Question—What is your occupation?

Answer—*Physician*

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

*By direction of my counsel  
I decline to make any statement  
except that I am not guilty of the  
charge*

*H. G. McGonigal*

Taken before me, this 28<sup>th</sup> day of July  
*M. J. B. Messers*

1897

CORONER.

0575

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years	Months	Days			July 22 <sup>nd</sup> /90

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

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

Inquest taken on the day

188

before

Coroner.

Committed

Beated

Discharged

Date of death



0576

**HOMICIDE.**

**AN INQUISITION.**

On the VIEW of the BODY of

whereby it is found that he came to

Death by the hands of

Inquest taken on the

day

of

188

before

Coroner.

Committed

Bailed

Discharged

Date of death

**MEMORANDA.**

AGE	Years	Months	Days
PLACE OF NATIVITY			
WHERE FOUND			
DATE When Reported			

July 22/90

0577

Supreme Court  
General Term

The People

Respondents

vs

Henry G. McQuinn  
Reply & Appell.

N. J. W.

Plaintiff takes notice that defendant will give bail as required by the order of Mr Justice Pratt herewith served upon you and that the sureties offered by defendant thereunder will justify before Hon Edward Patterson Justice at the Chambers of the Supreme Court to be held at the Court House in the City and County of New York on the Eighth day of January next at 10<sup>30</sup> o'clock in the forenoon of that day  
Dated January 7<sup>th</sup> 1891

Respectfully to  
W. T. Driscoll

Atty for the People & Appell

17  
20

William M. Nicol Esq  
Dist Atty

0578

Proceedings on this notice adjourn until  
Jan'y 9<sup>th</sup> at 1 P.m.  
Jan'y 8/91.

Supreme Court  
Grand Term  
The People Respond

vs  
Henry C. McGonigle  
Defendant

Notice of Jurisdiction.

Wm. D. Sullivan  
Att'y for Defendant

Also answer admitted

De Lancey Kneass

Deft. att'y

for Wm. McGonigle

0579

Fol 1.

Wd. Supreme Court  
General Term.

The People  
Respondent  
vs  
Henry G. McLaughlin  
Appellant.

Sir. I take notice that Defendant will give Bail as required by order of Mr Justice Pratt dated January 6<sup>th</sup> inst and that the Securities offered by Defendant thereunder will justify before Hon Edward Patterson or one of the Justices of the Supreme Court at the Chambers of said Court at the Court House in the City of New York on the Ninth day of January inst at One O'clock P.M. of that day.

The names and places of residence and occupations of the Securities offered by the Defendant and property owned by them is as follows, to wit:

Samuel Goodenough Bond Clerk Harlem Savings Bank residing at 323 East 123<sup>d</sup> Street New York. Owns his residence worth 10,000\$ Encumbered by mortgage for 7,000\$ Owns furniture worth 1,500\$  
Anna T. Wald married woman, residing



0580

3. at 641 Walton Avenue New York Owns 641  
Walton Ave worth \$8000. Encumbered by  
Mortgage for 4000\$ 587 Walton Avenue  
worth 12000\$ mortgaged for 7000\$. 561.  
563 Walton Avenue encumbered by mort-  
gage for \$10,500. worth \$20,000 & other  
property.

Dated January 5<sup>th</sup> 1891. Yours truly  
Wm Dindale  
Atty for appl & def

To

Delaney McCullough  
District Attorney.

Supreme Court  
New York

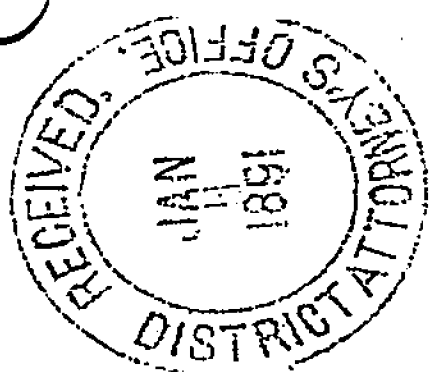
The People vs  
Depth

agst  
Henry & McGonigal  
vs vs vs

Notice of Jurisdiction

Wm Dindale  
Atty for High & App  
of 80 Broadway

Da  
McCullough  
Dist Atty



The justification  
of under section  
having been ad-

ferred until  
this morning and  
they having been  
duly called and  
failing to appear  
this matter is

dismissed  
on January 10<sup>th</sup> 1891

Wm Dindale  
Atty

0581

NEW YORK SUPREME COURT  
General Term.  
On appeal from the Court of  
General Sessions New York County.

.....X  
THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent,  
against  
HENRY G. McGONEGAL,  
Appellant.:  
.....X

The above-named Defendant<sup>n</sup> and Appellant having by  
W. T. Birdsall, his Attorney, duly applied to the undersign-  
ed, one of the Justices of the Supreme Court of the State  
of New York, to be admitted to bail, pending the appeal  
herein; and due investigation of all the facts and circum-  
stances of the case having been had by me, I, Calvin E.  
Pratt, Justice as aforesaid do hereby

2: O R D E R, that Henry G. McGonegal, the said De-  
fendant and Appellant be admitted to bail in the sum of  
Five Thousand Dollars, in the form of undertaking required  
by Subdivision 2 of Section 558 of the Code of Criminal  
Procedure.

That the surety or sureties offered by Defendant  
under this order may justify before ~~me or~~ any Supreme Court  
Justice on one day's notice, and that said Defendant be  
discharged from further restraint and imprisonment by the  
Warden of the City Prison of the City of New York, or the

0582

2

Sheriff of New York County or by any person or officer by whom he may be detained, upon such sureties as may be offered by Defendant, justifying in the sum of Five Thousand Dollars, as required by this Order and the provisions of the Statute relating.

*Dated January 6, 1891*

*Wm. H. R. [Signature]*  
*C. E. Pratt*  
*N.Y.C.*



N. Y. SUPREME COURT,  
General Term.

THE PEOPLE, Respondent,

against

HENRY G. MCGONEGAL,  
Appellant.

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

ORDER TO ADMIT TO BAIL.

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

W. T. Birdsall,  
Atty. for Deft. & Appellt.,  
#280 Broadway,  
New York City

*In*      *I*      *have*      *advised*      *that*      *this*      *is*      *a*      *copy*      *of*      *an*      *order,*      *the*      *original*      *of*      *which*      *was*      *last*      *filed*      *in*      *the*      *office*      *of*      *the*      *Clerk*      *of*      *the*      *Court*      *general*      *and*      *Superior*      *of*      *New*      *York*

2. Balance money in  
Kienhai



0584

N. Y. Court Clerk  
Regan's

The People

vs  
Henry C. La Cour  
003

Co app. Geo. of Nathan  
m

W. H. H. H. H. H.

Att. for Deps  
may I have  
2800 Down m

20 Jan 2 Fullerton

Dr. C. C. C.

Received August 17/90  
3:30 P.M.

John R. Nelson  
West. City

Per. J. H. H.

0585

NEW YORK COURT OF GENERAL SESSIONS.

.....X  
T H E P E O P L E

against

HENRY G. McGONEGAL and others.  
.....X

Sir:-

Take notice that on the annexed affidavits, and all the records and proceedings herein, a motion will be made at the Court of General Sessions to be held in and for said County, at the City Hall in said City, in Part 2 of said Court, on the 14th day of August, inst., at 11 o'clock A. M., or as soon thereafter as counsel can be heard, to reduce the bail of the defendants McGonegal and Shaw, or for such other relief as may be just.

Dated, New York, August 12th, 1890.

Yours, &c.,

*W. B. D. Isidore*  
*Atty for Defs-*  
*McGonegal & Shaw*  
*780 Broadway*

To John R. Fellows, Esq.,

District Attorney.

0586

COURT OF GENERAL SESSIONS,  
City and County of New York.

.....X  
THE PEOPLE :  
against :  
HENRY G. McGONEGAL, FANNIE D. SHAW and: :  
others. :  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

HENRY G. McGONEGAL, being duly sworn says; I am  
one of the Defendants herein.

I am not guilty of the charge against me herein.

I am above the age of seventy years.

I have been a practising physician ~~in this City~~, in  
active practise for about forty years.

Since 1859 I have resided in what is known as Har-  
lem in said City and my practise while largely in Harlem  
has extended to pretty nearly every part of New York and  
adjacent or suburban places.

Read  
22  
23  
During my entire practise and down to the time of  
my arrest on the charge for which I am now held, I have  
daily attended an average of from thirty to seventy-five  
patients. At times and often my daily visits have cover-  
ed nearly the whole of the territory mentioned.

I am, so far as I know, the sole family physician  
of about two hundred families.

I have no income, except what I derive from my prac-

0588

2

20 ✓  
tise.

I keep no books of account, but I do not believe I have ever received as high as three thousand dollars gross in any single year from my profession, for the reason that my practise is largely among the poor, from whom I could not ask money and many of them I help in various ways. And while I have many patients among and my services have been largely sought by people in the higher and better walks of life, I have not cultivated that practise when the poor have needed me.

Consequently, I have but very few intimate friends, among well to do people although I am not unknown to many of the best families in New York.

So far as I have been informed and believe, nearly all of those of my patrons and friends who can justify in \$20,000 are absent from the City, while others, while professing sympathy, <sup>and the</sup> notriety, consequent upon becoming surety for me in this case.

22 ✓  
I have never accumulated any means or property and my entire personal belongings at this time would not sell for above Five Hundred Dollars. My wife has an equity in the house in which we live, which is due solely to her own efforts and savings from a meagre income. This house cost \$12,000 and she has been about five years paying about \$3,500 on it.

23 ✓  
I have always led a very active out door life.  
My hours of work usually commences about nine o'clock A. M., and seldom ends before one or two o'clock the next

2



0589

3

morning.

During the most of this time I am visiting my patients.

The confinement and restraint and inactivity of my present condition is severely impairing my strength.

I have many very aged patients whom I have constantly attended for years. Some are bed-ridden; some are suffering from chronic diseases and they need my services, and their sufferings are intensified because I am not there to treat them.

In order to properly meet and defend myself against the charge against me herein, it is necessary that I should have my liberty until my trial. And I intend to meet and defend myself against this charge, confident of an acquittal and justification from the Court and the public.

No inducement could tempt me to leave New York.

Mrs. Pannie D. Shaw who is confined with me is a poor woman who came or sent to me more than two years ago in a terrible condition. She has no friends that I know of. I attended her and finally got her into a condition where she could do something towards supporting herself; she takes in washing; she has not been considered in a fit condition to leave her rooms since I have known her or to subject herself to exposure.

She needs careful and persistent attention medically. She would probably die if she caught cold.

She is in no way implicated in this matter, save to

0590

4

129  
give aid to a very sick and friendless stranger woman,  
which she did from feelings of humanity. ~~She~~ She can give no  
bail so far as I know, save such as I can get for her, and  
I do not believe I can induce any stranger to offer any  
considerable security for her. If at liberty her person-  
al health demands that she should be in my care and I will  
take her and care for her until the trial, if she can be  
set at liberty in the mean time.

Sworn to before me, this :

12th day of August, 1890. :

Franklin J. Walco

Notary Public  
M.C.

H. G. McQuinn

4

0591

COURT OF GENERAL SESSIONS,  
City and County of New York.

.....X  
THE PEOPLE  
against  
HENRY G. McGONEGAL and ors.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

FANNIE D. SHAW, being duly sworn says; I am one of the defendants herein; am confined in the City Prison on this charge of manslaughter. I was never arrested before for any cause. I am thirty-eight years old. I have supported myself by laundry work for the past year. For the years preceding that I have practically been taken care of by my sisters who are poor women, living in the country. My husband deserted me more than a year since, he did not support me; I have lived in New York about 8 years, prior to that my life was spent in Newburgh and Cornwall. Dr. McGonegal has attended me as my physician for the past two years.

When Dr. McGonegal came to me I was very ill and not capable of working and he brought me to a condition where I have been able to work a little, sufficient to support myself. When The Dr. first came to me I paid him something for his services. But since that I was not able to pay him and he has attended to me just as faithfully. I am now suffering terribly for the want of treat-

Read

5

ment and medical attendance. And I cannot get relief from other physicians or medicines. And from what I know of my condition I am satisfied that no physician can relieve me as can Dr. McGonegal.

I am in no way, directly or indirectly, guilty of the charge against me in this case.

I never had any knowledge of any operation being performed on a girl called Annie Goodwin. If any was ever performed on her, it was not while she was with me.

She was a very sick woman when she was brought to my house. And at the request of Dr. McGonegal, made when she came there with him, I consented to receive her as an act of humanity and I nursed her and cared for her as carefully as I could. I could not turn her out.

Dr. McGonegal had been more than kind to me and when he asked me I could but consent; and he was kind and attentive to her during her sickness as he seems to be to every one.

She seemed to me to be a friendless, homeless girl and so she informed me and told me she had no friends to send to and spoke of his kindness to her often.

Up to the time of my arrest I have not been out of my room five times in three years, and to get cold would kill me.

Unless I can get my liberty I do believe my chance for recovery will be permanently stopped. I have no friends that I know of, who are capable of going bail

Rec'd  
all further  
from the court

Kind and  
attentive  
to her  
sickness  
as he  
seems  
to be  
to every  
one

Truly  
remains  
with her

If we give  
Mrs. Shaw  
her liberty  
chances for the  
Dish is - sure  
to get more  
showed  
given her  
up every day

6



0593

3

for me beyond \$1,000 and not then, unless some person  
stranger interests himself in me. I have absolutely no  
means or property.

Sworn to before me, this

11th day of September, 1890.

: Mrs Fannie D Shaw

Franklin J Shaw  
Notary Public N.Y.C.

7

0594

NEW YORK COURT OF GENERAL SESSIONS.

THE PEOPLE

against

HENRY G. McGONEGAL and others.

CITY AND COUNTY OF NEW YORK. : SS.

MINNIE H. McGONEGAL, wife of above-named defendant, being sworn, says: Doctor McGonagal when arrested, was taken from an enormous practice, chiefly among the poor. He has, for years past, been actively daily at work in his profession, chiefly among the poor, from 7 o'clock in the morning until 2 and 3 o'clock the following morning, and many times all night, many nights in succession, and all day on the days between. At the time of his arrest, he had, and now has, numerous patients, some with cancer, some with chronic diseases of long standing, some exceedingly aged and infirm, all requiring his daily attention. Many of them he has been in daily attendance upon for years, and other physicians are not familiar with the cases, many of whom are unable to employ a physician.

Ever since bail was fixed in this matter, I have been at work trying to procure bail, and while I have seen a great many people abundantly responsible to become his bail, and who profess unbounded confidence in the Doctor, and disbelieve of the charge against him, yet because of

*Believe in him  
I got him out  
from the  
to bail  
him*

8

0595

2

*read*  
the notoriety, they decline to become his security, and I believe it is impossible for him, at this season of the year, to give bail in \$20,000.

I know his nature and habits perfectly, and know that he could not be induced to go away from his ~~poor~~ patients for any consideration, and that no consideration of personal health, convenience, safety or danger would at any time have the slightest effect upon his movements. I know of my own knowledge that during my life with him, his life has been devoted to others without hope of reward, and it will continue to be till his death.

Sworn to before me, this :  
9th day of August, 1890. :

*Minnie A McGonegal*

*Solon P. Robb*  
*Notary Public*  
*M.C.*

9.

0596

NEW YORK SUPREME COURT,

General Term.

.....x  
THE PEOPLE,  
Plaintiff & Respondent,  
against  
HENRY G. MCGONIGAL,  
Defendant & Appellant.  
.....x

Sir:-

Take notice that David B. Cocks, residing at 335 East 119th Street in the City of New York, will be tendered as bail for the above-named defendant and appellant under the order admitting him to bail, and that as such bail and surety, he will justify before one of the Justices of the Supreme Court at the Chambers thereof at the Court House in said City on the Twentieth day of June, A. D., 1891, at 10½ o'clock A. M.

Said surety owns the five four story flat houses and lots known as Numbers 331 to 339 East 119th Street in said City. They are brick and in size each 20 x 60, lot 100 feet deep. They are each encumbered by a mortgage for \$9000., and are of the value of \$15,000 each. Mr. Cocks owns other real estate.

Dated, June 19th, 1891.

Yours, &c., *W. J. Birdsall*

Att'y for Defendant,  
280 Broadway,  
New York.

To  
Delancy Nicoll, Esq.,  
District Attorney, &c.



THE PEOPLE, Resptd.,

against

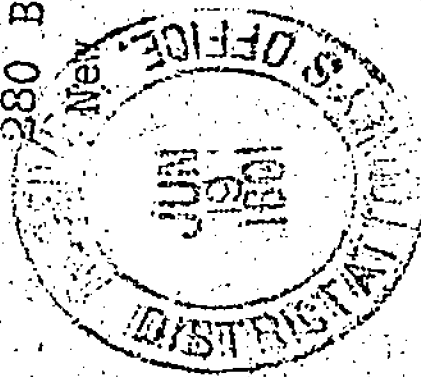
HENRY G. MCGONEGAL, App't.

[illegible]

NOTICE OF JUSTIFICATION OF BAIL.

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0

W. T. Birdsall,  
Att'y for Deft. & Respdt.,  
280 Broadway,  
New York City.



To  
Mr. Sancey McCall Esq  
District Attorney, &c

0597

0598

NEW YORK COURT OF GENERAL SESSIONS.

.....x  
THE PEOPLE,  
against  
HENRY G. McGONEGAL.  
.....x

CITY AND COUNTY OF NEW YORK. : SS.

We whose names are hereunto subscribed do severally and respectfully swear and depose, that I reside at the place set opposite my name in said City. That I have known Dr. Henry G. McGonegal for many years past. During that time he has been my family physician. And his life has been one of continued self sacrifice and good works among the poor. He has never practiced his profession for money or gain and has never seemed to think of himself or his conveniences.

His hours of work often run from seven o'clock in the morning to generally long after midnight and often, and apparently for days together, all day and all night. In cases of severe sickness he has often visited in my family -- coming on his regular visits long after midnight.

He is a physician of great skill, and has performed wonderful cures in cases with which we are each familiar.

*Given before me this  
day of August 1890*

*Anna A. Goodenough  
Erville F. Wickett*

*323 East 123 Street  
100 East 15th St  
323 East 123 Street*



0599

8/

off-repading

Mr. Burge's  
Chabaud

8

0600

N Y Court of General Sessions

The People

vs  
Henry G. Milneford

Defendant Henry G. Milneford now returns a challenge to the panel of jurors drawn September 24th and states following as grounds of challenge to wit:

That the panel was drawn in open Court in the presence of jurors before either of the three preceding panels drawn for the term of the Court had been exhausted and that such drawing was a departure from the form prescribed by the Code of Civil Procedure to the prejudice of this Defendant

W. J. Pindall

Attorney at Law  
for  
Milneford



0601

N York of Gen  
Lefors

The Dopes

agch

Harry G. McGonigle

Challenger & Pans

W. J. D. D. D.

~~Challenger & Pans~~

Challenger & Pans

Filed September 25/90

POOR QUALITY  
ORIGINAL

0602

## Stenographers' Minutes.

Cornwall Office, New York Co.

In the Matter  
of  
Annie Goodwin  
Deid.

Begore.

Hon. Mich. J. B. Messers.  
Cornwall, and a Jury.

July 25 1890.

### Witnesses.

	<u>Direct.</u>	<u>Cross.</u>	<u>Re-Direct.</u>	<u>Re-Cross.</u>
John T. Nagle	3-			
Mary Holliday	5-			
Sadie E. Traphagan	10-			
Mary J. Collins	21-			
Andrew Fanning	26-			
Albert Harris	31-			
Cornelius Merritt	36-			
Frederick J. Mott	45-			

George Skassner,  
Stenographer & Court Reporter,  
38. Park Row, (Potter Building) Room 181.  
& 45. Pine St., cor. William St.

0603

POOR QUALITY  
ORIGINAL

# Stenographers' Minutes.

Coroner's Office - N.Y. County

In the Matter

of  
Annie Goodman,

deceased.

Begore.

Hon. Mich. J. J. Messersmen  
and a Jury.

Second Supp. Session

July 29<sup>th</sup> - 1910

Witnesses.

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

Witnessing of the Body	50-			
Edward E. Schenker	53-			
Joseph E. MacReady	56-			
Dr. William O. Conway	58-			
Dr. William R. Jenkins	65-			
Charge -				

George Skassner,  
Stenographer & Law Reporter,  
38 Park Row, (Baker Building) Room 184.  
& 45 Pine St., cor. William St.



0604

NEW YORK COURT OF GENERAL SESSIONS.

.....X  
THE PEOPLE  
against  
HENRY G. McGONEGAL and others.  
.....X

Sir:-

Take notice that on the annexed affidavits, and all the records and proceedings herein, a motion will be made at the Court of General Sessions to be held in and for said County, at the City Hall in said City, in Part 2 of said Court, on the 14th day of August, inst., at 11 o'clock A. M., or as soon thereafter as counsel can be heard, to reduce the bail of the defendants McGonegal and Shaw, or for such other relief as may be just.

Dated, New York, August 12th, 1890.

Yours, &c.,

*W. J. Randall*  
*Attorney for H. G. McGonegal & Shaw*  
*280 Broadway N.Y.*

To John R. Fellows, Esq.,

District Attorney.



0605

COURT OF GENERAL SESSIONS,

City and County of New York.

.....X  
THE PEOPLE  
against  
HENRY G. McGONEGAL, FANNIE D. SHAW and  
others.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

HENRY G. McGONEGAL, being duly sworn says; I am  
one of the Defendants herein.

I am not guilty of the charge against me herein.

I am above the age of seventy years.

I have been a practising physician ~~in this City~~ in  
active practise for about forty years.

Since 1859 I have resided in what is known as Har-  
lem in said City and my practise while largely in Harlem  
has extended to pretty nearly every part of New York and  
adjacent or suburban places.

During my entire practise and down to the time of  
my arrest on the charge for which I am now held, I have  
daily attended an average of from thirty to seventy-five  
patients. At times and often my daily visits have cover-  
ed nearly the whole of the territory mentioned.

I am, so far as I know, the sole family physician  
of about two hundred families.

I have no income, except what I derive from my prac-

0606

2

tise.

I keep no books of account, but I do not believe I have ever received as high as three thousand dollars gross in any single year from my profession, for the reason that my practise is largely among the poor, from whom I could not ask money and many of them I help in various ways. And while I have many patients among and my services have been largely sought by people in the higher and better walks of life, I have not cultivated that practise when the poor have needed me.

Consequently, I have but very few intimate friends, among well to do people although I am not unknown to many of the best families in New York.

So far as I have been informed and believe, nearly all of those of my patrons and friends who can justify in \$20,000 are absent from the City, while others, while professing sympathy, <sup>avoid</sup> notriety, consequent upon becoming surety for me in this case.

I have never accumulated any means or property and my entire personal belongings at this time would not sell for above Five Hundred Dollars. My wife has an equity in the house in which we live, which is due solely to her own efforts and savings from a meagre income. This house cost \$12,000 and she has been about five years paying about \$3,500 on it.

I have always led a very active out door life.

My hours of work usually commences about nine o'clock A. M., and seldom ends before one or two o'clock the next

0607

3

morning.

During the most of this time I am visiting my patients.

The confinement and restraint and inactivity of my present condition is severely impairing my strength.

I have many very aged patients whom I have constantly attended for years. Some are bed-ridden; some are suffering from chronic diseases and they need my services, and their sufferings are intensified because I am not there to treat them.

In order to properly meet and defend myself against the charge against me herein, it is necessary that I should have my liberty until my trial. And I intend to meet and defend myself against this charge, confident of an acquittal and justification from the Court and the public.

No inducement could tempt me to leave New York.

Mrs. Fannie D. Shaw who is confined with me is a poor woman who came or sent to me more than two years ago in a terrible condition. She has no friends that I know of. I attended her and finally got her into a condition where she could do something towards supporting herself; she takes in washing; she has not been considered in a fit condition to leave her rooms since I have known her or to subject herself to exposure.

She needs careful and persistent attention medically. She would probably die if she caught cold.

She is in no way implicated in this matter, save to

*And yet I cannot move for the sake of  
go over to see her!*

0608

A

give aid to a very sick and friendless stranger woman, which she did from feelings of humanity. She can give no bail so far as I know, save such as I can get for her, and I do not believe I can induce any stranger to offer any considerable security for her. If at liberty her personal health demands that she should be in my care and I will take her and care for her until the trial, if she can be set at liberty in the mean time.

Sworn to before me, this :  
12th day of August, 1890. :  
Franklin O. Wall  
Notary Public  
N. H. Co.

*M. M. Alvarez*



0609

2 copies

Court of Sessions Depts  
City & County of New York

The People  
vs  
Henry G. McQuigal & Co

City & County of New York:

Fannie D. Shand being duly sworn says. I and one of the defendants herein. Am now confined in the City Prison on this charge of Manslaughter. I was never arrested before for any cause. I am thirty eight years old. I have supported myself by laundry work for the past year. For the three years preceding that I have practically been taken care of by my sisters who are poor women living in the Country. My husband deserted me more than a year since <sup>He did not support me</sup> I have lived in New York about 8 years Prior to that my life was spent in Newburgh and Cornwall.

Dr McQuigal has attended me as <sup>my</sup> ~~my~~ physician for the past two years.

When Dr McQuigal came to me I was very ill and not capable

06 10

of working and he brought me to a condition where I have been able to work a little - sufficient to support myself. When the Dr first came to me I paid him something for his services. But since that I was not able to pay him and he has attended to me just as faithfully.

I am not suffering terribly for the want of treatment and medical attendance. And I cannot get relief from other Physicians or medicines. ~~Except~~ And from what I know of my condition I am satisfied that no physician can relieve me as can Dr McQuigal.

I am in no way, directly or indirectly, guilty of the charge against me in this case.

I never had any knowledge of any operation being performed on a girl called Anne Goodson. If any was ever performed on her it was not while she was with me.

She was a very sick woman when she was brought to my house. And at the request

0611

made when she came  
of Dr. McGoenagal. ~~was perhaps~~  
with him. ~~was perhaps~~  
~~was perhaps~~ I  
Consented to receive her as an act  
of humanity and I nursed her  
and cared for her as carefully as  
I could. I could not turn her out.

Dr. McGoenagal had been  
more than kind to me and when  
he asked me I could but consent.  
And he was kind and atten-  
tive to her during her sickness  
as he seems to be to every one.

She seemed to me to be  
a friendly, homely girl, and  
so <sup>she</sup> informed me, and told me she  
had no friends to send to, and

up to the <sup>of my kindness to her</sup> <sup>up to the</sup> <sup>of my kindness to her</sup>  
five times in three years, and <sup>up to the</sup> <sup>of my kindness to her</sup>  
I have not been out of my room  
since I came to this place.

any liberty I do believe my  
Chance for recovery will be  
permanently stopped. I have  
no friends that I know of who are  
capable of doing work for me be-  
yond \$1000. And then unless some per-  
son changes interests ~~themselves~~  
in me. I have absolutely  
no means or property.

Sworn to before me this 11<sup>th</sup> day of September 1892  
Franklin J. Wall Notary Public N.Y.C. Mr. Fannie D. Snow

06 12

NEW YORK COURT OF GENERAL SESSIONS.

.....X  
THE PEOPLE

against

HENRY G. McGONEGAL and others.  
.....X

CITY AND COUNTY OF NEW YORK. : SS.

MINNIE H. McGONEGAL, wife of  
above-named defendant, being sworn, says: Doctor McGonagal  
when arrested, was taken from an enormous practice, chiefly  
among the poor. He has, for years past, been actively  
daily at work in his profession, chiefly among the poor,  
from 7 o'clock in the morning until 2 and 3 o'clock the  
following morning, and many times all night, many nights  
in succession, and all day on the days between. At the  
time of his arrest, he had, and now has, numerous patients,  
some with cancer, some with chronic diseases of long stand-  
ing, some exceedingly aged and infirm, all requiring his  
daily attention. Many of them he has been in daily at-  
tendance upon for years, and other physicians are not fa-  
miliar with the cases, many of whom are unable to employ  
a physician.

Ever since bail was fixed in this matter, I have  
been at work trying to procure bail, and while I have seen  
a great many people abundantly responsible to become his  
bail, and who profess unbounded confidence in the Doctor,  
and disbelieve of the charge against him, yet because of



06 13

2

the notoriety, they decline to become his security, and I believe it is impossible for him, at this season of the year, to give bail in \$20,000.

I know his nature and habits perfectly, and know that he could not be induced to go away from his poor patients for any consideration, and that no consideration of personal health, convenience, safety or danger would at any time have the slightest effect upon his movements. I know of my own knowledge that during my life with him, his life has been devoted to others without hope of reward, and it will continue to be till his death.

Sworn to before me, this :

9th day of August, 1890.

Minnie, H. McJougals,

Salon P. Rothschildy  
Notary Public

N.Y.C.

There is an order delivered  
on the 1st of September  
in morning at 10 o'clock  
for the first of September  
New is the. In general  
there. The defendant  
will be permitted to  
appear. This application  
Haugerberg was addressed  
M. H. on 1st of September  
1914

No. 11. Court of  
General Sessions  
The People  
vs  
Henry G. McGonagall  
Applicants & Notice of  
1st Motion.

W. F. D. O'Connell  
Att'y for Def't.  
Thos. J. Shao.  
280 Broadway N.Y.

Upon examination of the  
proceedings before the  
Court, and the  
papers upon which  
the motion is made  
amounting to five  
pages. The motion is  
denied. The opinion of  
the Court is that  
the facts are not  
sufficient to be  
admitted. The Court  
will be advised. The  
Court has the duty.



0615

POOR QUALITY  
ORIGINAL

STATE OF NEW YORK.  
COUNTY OF NEW YORK.  
DIVISION OF VITAL STATISTICS  
Received and Registered  
15 JUL 1890  
CITY OF NEW YORK  
DEPARTMENT OF HEALTH

CITY OF NEW YORK  
No. of Certificate  
2305

**CERTIFICATE AND RECORD OF DEATH**

*Jane Wilbur*

I hereby certify that I attended deceased from *July 3<sup>rd</sup> 1890* to *July 12<sup>th</sup> 1890*, that I last saw her alive on the *11<sup>th</sup>* day of *July* 1890, that she died *11<sup>th</sup>* day of *July* 1890, about *4 P. M.*, and that to best knowledge and belief, the cause of her death was as hereunder written:

Duration of Disease

Chief Cause, *Inflammation of Heart* 8 days  
Contributing Cause, *Inflam Rheumatism*

Sanitary Observations

Witness my hand this *13<sup>th</sup>* day of *July* 1890  
*St Michael* (SIGNATURE)

Place of Burial, *St Michaels*  
Date of Burial, *July 13. 1890*  
Undertaker, *C. M. M. M.*  
Residence, *217 W 123<sup>rd</sup> Street*

Burial permits issued at 301 Mott Street, Room 33, Week days, 7 A. M. - 5 P. M. Sundays and Holidays, 8 A. M. - 5 P. M.

Date of Death.	<i>11<sup>th</sup> July 1890</i>
Full Name.	<i>Jane Wilbur</i>
Age, in years, mos. and days.	<i>29 Years</i>
Color.	<i>White</i>
Single, Married or Widowed.	<i>Single</i>
Occupation.	<i>Laundry</i>
Birthplace.	<i>England</i>
How long in U. S. if foreign born.	<i>Four Years</i>
How long resident in New York City.	<i>One Year</i>
Father's Name.	<i>John Wilbur</i>
Father's Birthplace.	<i>England</i>
Mother's Name.	<i>Sarah Wilbur</i>
Mother's Birthplace.	<i>England</i>
Place of Death.	<i>239 E. 108<sup>th</sup> St.</i>
Last place of Residence.	<i>239 E 108</i>
Class of Dwelling (A tenement being a house occupied by more than two families.)	<i>Tenement</i>
Direct cause of Death.	<i>Inflammation of Heart</i>
Indirect cause of Death.	<i>Inflam Rheumatism</i>
Date of Record.	<i>July 12<sup>th</sup> 1890</i>

MARGIN RESERVED FOR BINDING.  
NO MUTILATED CERTIFICATE WILL BE RECEIVED.

0616

## STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

## AN INQUISITION,

Taken at the ~~house of~~ *Coroners Court* held at  
 No. 32 Chambers — Street, in the Ward of the City of

New York, in the County of New York, the 25<sup>th</sup> & 28<sup>th</sup> days of July

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

M. J. B. Messener

Coroner

of the City and County aforesaid, on view of the Body of

*Annie Goodwin*

lying dead at

Upon the Oaths and Affirmations of

*Twelve* good and lawful men of the State of New York, duly chosen and  
 or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

*Annie Goodwin*

came to death, do

upon their Oaths and Affirmations, say: That the said *Annie Goodwin*

came to her death by

*For Verdict see End of Testimony*

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.

*Louis A. Grass 124 Chambers St*

*Wm Reman 7 Astor House*

*Wm L. bree 119 Fulton St*

*W H Stern 3 Astor House*

*Thomas F. Cook 1438.3 Ave*

*Philip Myers 42 1/2 Bway*

*John McNeill 699 Broadway*

*Thomas J. 1576 - 3rd*

*Julius Hirsch 433 E. 79*

*John W Hobbs 1314 - 3rd*

*John A. Pechter 2477 3rd*

*W M. Jernis 75 Chambers St*

*M. J. B. Messener*

CORONER, E. S.



0617

New York City and  
County March 19<sup>th</sup> 1890  
Third District Police  
Court.

John Jacob M. Patterson  
Residing in

Peter Stops  
being duly sworn  
deposes, and says,  
that he is the step-  
father of Annie Blin-  
-er; that said Annie  
Blin-er is not able  
to come to court and  
make her formal  
complaint, because  
of illness, as well as  
the inclement weather;  
that the Physician  
attending said Annie,  
would not allow her  
to leave the house today  
because of the stormy  
weather, Dependent asks  
that the case be adjourned till  
the girl is able to appear

Admitted before me  
this 19<sup>th</sup> day of March  
1890  
Justice of the Peace

Peter Stops

06 18

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles F. Kremer*  
aged *48* years, occupation *Physician* of No. *94*

*Second avenue* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Peter Stops*

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this *17*  
day of *May* 188*8*

*C. F. Kremer M.D.*

*J. M. Patterson*

Police Justice.



06 19

**CORONERS' OFFICE, 13 & 15 CHATHAM ST.**

**WARRANT.**

STATE OF NEW YORK, } To any Constable or Policeman of the City of New York:  
City and County of New York,

Whereas, *William S. Bellis*

stands charged before me, one of the Coroners in and for the said City, with  
having caused the death of

*Charged with inducing Annie Slops who  
was pregnant to have a criminal operation  
performed on her by one Dr. Louisa of 127 &  
133 St Annie Slops now dangerously ill at 27  
Forsyth St*

These are, Therefore, in the name of the People of the State of New York, to COMMAND you,  
the said Constable and Policeman, and every of you, to apprehend the bod of the said Defendant  
and forthwith bring before me, or some other Coroner for the City and County of New York, at  
the Coroners' Office in the said City, to answer the said charge, and to be dealt with as the law directs.

GIVEN under my Hand and Seal, this

day of

188

*Daniel Hanly* Coroner.

0620

CORONER'S OFFICE.

THE PEOPLE, &c.

William L. Bellie

vs.

Annie Kope

WARRANT.

Dated

Feb 16th 1887

Daniel Hardy

Coroner.

Coroner Officer.



0621

CORONERS' OFFICE, 13 & 15 CHATHAM ST.

WARRANT.

STATE OF NEW YORK, } To any Constable or Policeman of the City of New York:  
City and County of New York,

Whereas, Dr. M. E. Soriale 127 B 123 St  
stands charged before me, one of the Coroners in and for the said City, with  
having caused the death of

performed a criminal operation on Anne Stokes  
of 127 B 123 St who is dangerously ill

These are, Therefore, in the name of the People of the State of New York, to COMMAND you,  
the said Constable and Policeman, and every of you, to apprehend the bod of the said Defendant  
and forthwith bring before me, or some other Coroner for the City and County of New York, at  
the Coroners' Office in the said City, to answer the said charge, and to be dealt with as the law directs.

GIVEN under my Hand and Seal, this

16th day of July 1890

Daniel Hardy Coroner.

0622

CORONERS' OFFICE.

THE PEOPLE, &c.

Henry M. Gouge

vs.

Annie Hope

WARRANT.

Dated

Feb 16<sup>th</sup> 1887

Daniel Hanley

Coroner.

Comr.

Officer.

0623

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 19 DISTRICT.

George Connor  
of No. 11 in receipt Street, aged years,  
occupation Police Officer being duly sworn deposes and says  
that on the 16 day of February 1889  
at the City of New York, in the County of New York he arrested

William J. Bellis & Henry Mc  
Gonzle (both now here) for  
committing <sup>Criminal</sup> acts at or near one  
Annie Stokes and inflicting such  
injuries as caused the said Annie  
to be confined to her home and un-  
able to appear at Court. Wherefore  
deponent prays that the said  
defendants be held to enable  
deponent to secure the necessary  
evidence. George Connor

Sworn to before me this

16th day of February 1889

day

Donald W. ... Police Justice.



0624

3  
Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Mrs. Bell  
Henry McJannet

Dated July 17 1880

Paterson Magistrate.

Curran Officer.

Witness,

CA 3. P. M.

Disposition, Feb 17

AFFIDAVIT.  
John H. H.

0625

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

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

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

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

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

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

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

0626

at 1500 March 3. 2300

The Presiding Magistrate  
in my absence, will please hear  
and determine the within case.

*J. M. Patterson*

Police Justice.

Adj. to March 11-1890

The Presiding Magistrate  
in my absence, will please hear  
and determine the within case.

No. 1, by *Charles A. Linder*

Residence \_\_\_\_\_ Street.  
*Police Justice*

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

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

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

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

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

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

326  
Police Court--- 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Peter Grop*

vs.

1. *William S. Bellis*

2. *Henry M. Gonzales*

3. \_\_\_\_\_

4. \_\_\_\_\_

*W. H. Norton*  
Offence

Dated *February 17* 1890

*Patterson* Magistrate.

*Connor* Officer.

*11* Precinct.

Witnesses

No. *Mar 19* Street.

*2 1/2 P.M.*

No. *Mar 25* Street.

*2 1/2 P.M.*

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

\$ \_\_\_\_\_ to answer



0627

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

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

Dated *April 3* 18 *90*..... Police Justice.

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

*Defendants*  
Dated *April 3* 18 *90*..... Police Justice.

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

Dated..... 18..... Police Justice.

0628

Police Court---

District.

THE PEOPLE, &c  
ON THE COMPLAINT OF

Annie Pilman

vs.  
Wm S Bellis  
Henry McGinzig

3

4

Office

Warrior

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Magistrate.

Officer.

Precinct.

Witnesses

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

Mar 25 1890

Patterson

Common

11

Peter Stiles

2267 - 7th Avenue Street.

Charles Krumer M.D.

944 - 2nd Ave Street.

6th Ave Street.

3rd Ave Street.

3rd Ave Street.

1500 to Council

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed

Bailed



0629

New York Supreme Court

The People Respondent  
Against  
Henry H. McGinney  
Appellant

Sir

Take notice that the notice of  
Justification heretofore served upon you  
for the 4<sup>th</sup> day of June inst. is hereby  
countermanded and withdrawn

Yours &c.

W. J. Birdsell  
Atty for Deft. and Appell.

To DeSancy Nicoll Esq  
Dist. Attorney &c.





0631

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry F. McFadden,  
Samuel D. Shaw and  
Augustus F. Harrison

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

Indictment accuse

Henry F. McFadden, Samuel  
D. Shaw and Augustus F. Harrison  
of the crime of Manslaughter in the first degree,

committed as follows:

The said

Henry F. McFadden, Samuel  
D. Shaw and Augustus F. Harrison, all

late of the City of New York, in the County of New York, aforesaid, on the

second day of July, in the year of our Lord one thousand  
eight hundred and eighty-nine, at the City and County aforesaid,

in and upon one Annie Goodwin, who was  
then and there a woman pregnant with  
child, willfully and feloniously did make  
an assault, and with the intent thereby to  
procure the miscarriage of her. The said  
Annie Goodwin, did then and there willfully  
and feloniously use and employ and cause  
to be used and employed, by then and  
there willfully and feloniously procuring  
her and inserting the same, and causing  
the same to be forced, thrust and inserted  
up and into the wounds and private parts of

Then the said Annie Fegadwin, a certain instrument to the Fegadwin Fegadwin, and as aforesaid, under and, the said use and employment of the said instrument not being then and there necessary to preserve the life of the said Annie Fegadwin, or of the child in which she was so pregnant as aforesaid, giving unto her the said Annie Fegadwin, then and there, with the instrument aforesaid, and by reason and by means of the said use and employment of the same in the manner aforesaid, in and upon the womb and private parts of her the said Annie Fegadwin, divers mortal wounds and lacerations, and under said mortal wounds and lacerations so as aforesaid occasioned, and in consequence thereof, she the said Annie Fegadwin, afterwards, to wit: on the Twelfth day of July in the year aforesaid, at the City and County aforesaid, did die.

And as the Fegadwin Fegadwin aforesaid do say: that the said Henry Fegadwin, and Annie Fegadwin and Charles Fegadwin, then the said Annie Fegadwin, in the manner and form aforesaid and by the means aforesaid, wilfully and feloniously did kill and slay; against the form of the Statute in such case made and provided, and against the peace of the

142 Oliver's Valley

instrument being seen by



0633

People of the State of New York, and  
their signifying

John V. Fellows,

~~District Attorney~~