

0561

BOX:

152

FOLDER:

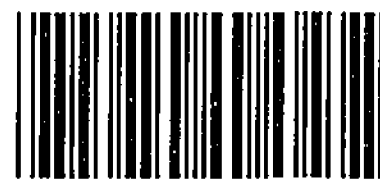
1562

DESCRIPTION:

Bryde, Henry

DATE:

10/29/84



1562

.....

Counsel,  
Filed 29 day of Oct  
Pleads M. J. M. M. M. M.

THE PEOPLE

vs.

۱۷

Henry C. Boyd

(2 cases)

PETER B. OLNEY,

*District Attorney.*

# A True Bill.

James B. Kinsman  
Foreman.

Mar. 19, off Henry Cove  
Island - down in marsh,  
near R. P.

Rec'd Feb 19th/87

0562



0563

CHAS. M. STILLWELL, A. M.  
THOMAS S. GLADDING, A. M.

Office and Laboratory of

STILLWELL &amp; GLADDING,

Analytical and Consulting Chemists,

Old Series, No. 9406.

New Series, No. 16007.

No. 55 Fulton St., cor. Cliff St.,

P. O. Box 1261.

New York, Oct. 15, 1884.

## Certificate of Analysis

sealed  
of a sample of..... "BUTTER"..... marked #108 Oct 13, 1884  
H. L. Bryde #436 Grand St time 7.30 p.m.  
received from Mr. B. F. Van Valkenburgh Oct 14/84  
drawn by our Agent..... per Mr. E. S. Wilson

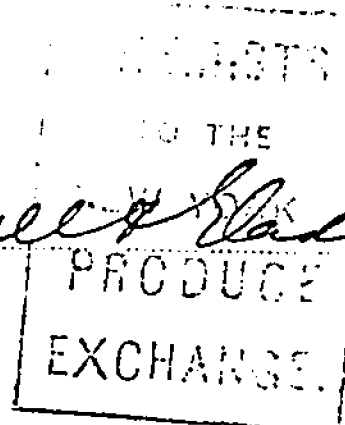
Fat, .....	88.35
Curd, .....	1.79
Salt, [Ash], .....	1.68
Water, at 100° C., .....	8.18
.....	100.00
Soluble Fatty Acids, [on a dry basis], .....	1.18
Insoluble do. do. do. ....	94.86
Specific Gravity of the dry Fat, at 100° Fah., .....	0.9047
Titre, .....	40.70° C.

This sample is not a genuine butter.

Very Respectfully,

Mr. B. F. Van Valkenburgh

My



0564

910 108 print job  
H L Brice



STATE OF NEW YORK,  
County of New York,  
ss. }  
I, the undersigned, Clerk of the County of New York, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the County of New York.

That he is -

1887, at the \_\_\_\_\_, to wit: at No. \_\_\_\_\_, in said \_\_\_\_\_, one \_\_\_\_\_, did then and there unlawfully \_\_\_\_\_

did then and there unlawfully offer for sale unlawfully a certain oleaginous substance, and certain compounds of oleaginous substances, other than that produced from unadulterated milk, or cream from the same, which said substance is known in the trade as oleo

was designed to take the place of butter, and that the said Henry L. Dwyer did then and there unlawfully offer the same for sale and retail as an article of food.

store of the said  
then and there found in the

and exposed for sale in said store, a quantity of such oleaginous substance and compounds of such oleaginous substances.

of the oleaginous substance and compounds thereof, as aforesaid, which deponent has since caused to be analyzed by experts, and the same has been found

same to be, not butter, but mostly composed of oleaginous substances, which are not produced from unadulterated milk, or from cream of the same, as appears from the certificate of analysis hereto annexed.

of analysis hereto annexed. *[Signature]*  
 Therefore, deponent prays that a warrant may issue for the arrest of the said *[Signature]*  
 \_\_\_\_\_, and that he may be dealt with as the law directs.

66-5. H. C. M.

Sworn to before me this 20 day of October 1887

day 1888

day 1888

day 1888

0566

W. J. C. *John C. Britton*  
Sheriff of the  
County of *New York*

THE PEOPLE &c.  
*Edmund C. Wilson*  
vs.  
*Henry L. Payne*

*John Dalton* D.D. 1884  
*W. D. Safford* Justice

Affidavit:

Witnesses:  
*Chas. H. Smith*  
Residence *53 Fulton St.*  
*William M. Meehan*  
Residence *167 Grand St.*

Residence



0567

Sec. 151.

Police Court \_\_\_\_\_ District.

CITY AND COUNTY  
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County  
of New York, or to any Marshal or Policeman of the City of New York, GREETING :

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by Edmund S. Wilson

of No. 152 10th Street, that on the 13 day of October

1884 at the City of New York, in the County of New York,

Henry L. Bryde did violate section 6,  
Chapter 202 of the Laws 1884 of the State  
of New York. offer for sale and did sell  
pleaginous substance which was designed  
to take the place of butter.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him  
forthwith before me, at the \_\_\_\_\_ District Police Court, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 20 day of October 1884

POLICE JUSTICE.

0568

Police Court District.		REMARKS.
THE PEOPLE, &c., ON THE COMPLAINT OF <i>Edward J. Ryan</i> vs <i>James J. Ryan</i>		Time of Arrest, <i>10<sup>25</sup> AM</i>
Warrant-General.		Native of <i>W. S.</i>
		Age, <i>28</i>
		Sex, _____
		Complexion, _____
		Color, _____
		Profession, <i>Butcher Dealer</i>
		Married, <i>Yes</i>
		Single, _____
		Read, <i>Yes</i>
		Write, <i>Yes</i>
		<i>456 Grand Street</i>
Dated <i>Oct 20</i> 188		
<i>John J. Ryan</i> Magistrate.		
<i>James J. Ryan</i> Officer.		
The Defendant <i>James J. Ryan</i> taken, and brought before the Magistrate, to answer the within charge, pursuant to the command con- tained in this Warrant.		
<i>James J. Ryan</i> Officer.		
Dated <i>Oct 20</i> 188		
This Warrant may be executed on Sunday or at night.		
_____ Police Justice.		



0569

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*Henry L. Pryde* 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

*Henry L. Pryde*

Question. How old are you?

Answer

*28 years*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*436 Grand St (resided there 5 months)*

Question. What is your business or profession?

Answer.

*Butter*

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*

*Henry L. Pryde*

Taken before me this

day

188

Police Justice.



0570

BAILED

No. 1, by Washington Winsor  
Residence 241 1/2 127 Street.

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

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

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

Council  
Scott Lord Jr  
68 Beamer St

THE PEOPLE, &c,  
ON THE COMPLAINT OF

Edmund S Wilson  
152 Jay St Brooklyn  
vs.  
Henry L Pryde

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated Oct 22 188 4

Supp Magistrate.  
Sgt Child Officer.  
Chas M. Stillwell Precinct.

Witnesses Chas M. Stillwell  
No. 55 Fulton Street.

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

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

\$ 300 to answer  
Ward

Police Court District. 1696

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 Oct 22 188 4  
Police Justice.

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

Dated Oct 22 188 4  
Police Justice.

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

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



0571

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 S. Bruce*

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

*Henry S. Bruce*

of the CRIME OF *Selling* an article of food, an article designed to take the place of butter produced from pure unadulterated milk, or cream of the name, the article so sold being manufactured out of substances and compounds thereof other than those produced from unadulterated milk or cream of the name, committed as follows:

*The said Henry S. Bruce*

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *October* in the year of our Lord one thousand eight hundred and eighty *four*, at the Ward, City and County aforesaid, one pound of a certain article manufactured out of diverse dangerous substances and compounds thereof other than those produced from unadulterated milk or cream from unadulterated milk or cream and there unlawfully did sell to one *Edmund G. Wilson* as an article of food, the said article so sold as aforesaid by the said *Henry S. Bruce* being then and there designed to take the place of butter produced from pure, unadulterated milk or cream of the name, and a more particular description whereof, and of the substances and compounds out

0572

of which the same was no man-  
ufactured as aforesaid, is the  
Grand Jury aforesaid unknown,  
and cannot now be again ascertained  
the form of the Statute in such  
case made and provided, and  
ascertain the place of the Court  
of the State of New York, and  
their dignity.

Robert B. O'Neil

Robert B. O'Neil



0573

BOX:

152

FOLDER:

1562

DESCRIPTION:

Budd, Edward

DATE:

10/17/84



1562

0574

115

Witnesses:

Wm F. Smith

The Complaint recd =  
on and the demand  
of the indictment and  
upon the machine I can  
satisfy Gerald  
by cash that Mr

Counsel, *C. H. [Signature]*  
Filed *17* day of *Oct* 188*4*  
Pleads *Not Guilty*

Grand Larceny 2nd degree  
[Sections 528, 53, Penal Code]

THE PEOPLE  
vs. *P*  
*Edward J. Budd*

PETER B. OLNEY,  
Is per 22/82 District Attorney.  
The demand is deft dead.

A True Bill.

*John D. Kisan*

Foreman.



0575

Second District Police Court.

Affidavit-Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 25 & 27 Rock Slip Street, aged 38 years  
being duly sworn, deposes and says, that on the 31<sup>st</sup> day of March 1884

at the day time at the City City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent.

the following property, viz :

Good and lawful money of the United  
States amounting to forty five dollars  
and fifty Cents (45.50)

Sworn before me this

10 day of October 1884  
Henry W. Hadd Police Justice,

the property of a firm known and doing business  
as J. H. Smith's Sons, and in care and charge  
of deponent.

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Edward J. Budd for the

following reasons to wit. That said defendant  
was in the employment of deponent in the  
Capacity of Salesman and Collector - That  
on the said date as deponent is informed  
by John C. Pagan of No 141 North 4<sup>th</sup> Street  
Brooklyn eastern district he paid over to said  
defendant the aforesaid amount of money -  
which amount of money the said defendant  
failed to make a return of to deponent, but  
as deponent believes appropriated the same  
to his own use

Wm J. Smith

0576

W  
District Police Court.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF  
William Frederick Smith  
vs.  
Edward J. B. B. B.

AFFIDAVIT—Larceny.

Dated October 10 1884  
McNally Magistrate.  
Officer.

WITNESSES:

EX 2 1/2 P.M.  
Oct 13 1/2

DISPOSITION



0577

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 27 years, occupation Liquor Dealer of No. 141 North 4<sup>th</sup> Street Brooklyn ED Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of William Frederick Smith and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 10  
day of October 1888

John C. Egan  
Samuel O. Bell  
Police Justice.



0578

173

*Mr John C. Edgar*  
#141 No 4 St. Allyn C.D.

**Bought of I. H. SMITH'S SONS**

REPRESENT  
MESSRS. J. DENIS HY. MOUNIÉ & CO.  
BLANKENHEYM & NOLET, ROTTERDAM. JOS. & JNO. VICKERS, LONDON.  
PERIDIERS FRÈRES CETTE. P. DE BURGOS, XERES.  
M.P. GUIMARAENS & SON, OPORTO. THE MISSION SAN GABRIEL, CAL.  
UNION CLUB WHISKIES.

*New York Febry 20th 1884*  
Terms Cash, payable in funds current at the New York Clearing House.

<i>1/2 Bl 150 Rye whiskey</i> <i>2 1/2 - 1/2 = 2 1/2</i> <i>5 Gallons Don Juan</i> <i>1/3 Gal. Dewey</i> <i>1 - 2 - 7</i>	<i>1/2</i> <i>1/2</i> <i>1/2</i> <i>1/2</i> <i>1/2</i>	<i>150</i> <i>3675</i> <i>875</i> <i>75</i> <i>150</i>
<i>Received payment (\$45.50)</i> <i>for I. H. Smith's Sons</i> <i>Ed. Russell</i>		<i>4825</i> <i>14845.50</i>

*March 31 1884*



0579

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss

*Edward J. Budd* 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. *Edward J. Budd*

Question. How old are you?

Answer. *44 years 2 ages*

Question. Where were you born?

Answer. *England*

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

Answer. *48 West 27 St. since May last*

Question. What is your business or profession?

Answer. *Commission Agent*

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*

*Edward J. Budd*

Taken before me this

15<sup>th</sup>

day of October 1888

*Wm. J. Parsons*

Police Justice.

0580

Sec. 151.

2 District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police  
Justices in and for the said City, by William Frederick Smith  
of No. 325 27 Park Slip Street, that on the 31 day of March  
1884 at the City of New York, in the County of New York, the following article to wit :

Good and lawful money of the  
United States

of the value of Forty five 50/ Dollars,  
the property of a firm a firm known as S. H. Smith's Sons  
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and  
believe, by Edward J. Budd

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith  
bring him before me, at the 2nd DISTRICT POLICE COURT, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 10 day of October 1884

Jamies Cl. Kelly POLICE JUSTICE.



0581

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William Frederick Smith*

vs.

*Edward J. Budd*

Warrant-Larceny.

Dated *Oct 10<sup>th</sup>* 188*4*

*O'Reilly* Magistrate

*Liston* Officer

The Defendant

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

Officer.

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

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest, *7.30 P.M.*  
*October 11 - 1884*

Native of *England*

Age, *24 years*

Sex *Male*

Complexion, *Fair*

Color *White*

Profession, *Commission Merchant*

Married *yes*

Single, \_\_\_\_\_

Read, *yes*

Write, *yes*

0582

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 \_\_\_\_\_

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

Dated *October* 188 \_\_\_\_\_ *J. M. Patterson* 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.



0583

Police Court

1675 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm J. Smith  
25927 vs. Rock Slip  
Edward J. Bridg

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

October 18

1884

Patterson  
Liston

Magistrate.

Officer.

Precinct.

Witnesses

No.

John C. Vagan  
144 North 4<sup>th</sup> Street.

No.

Brooklyn, N. Y.

No.

1000. to answer

G. B. Conrad

0584

People  
cyet,  
E. J. Budd

Christian Kopf, residing  
at No 48, West Twenty  
Seventh Street New York  
deposes and says that he  
has known personally and  
known other persons who  
are acquainted with the above  
named E. J. Budd, that his  
acquaintance with the said  
Budd, has been for a period  
some years, and that he has  
always known as an honest  
and worthy man, and never  
heard anything against  
his character.

From the above  
this 22<sup>nd</sup> day of October  
1884.

Robert W. Gill  
Notary Public  
N. Y. City

Wm. E. Kopf  
46 & 48 West  
Twenty  
Seventh



0585

Club of American

Boyle

ap

W. H. H. H.

0586

Did not see your postal  
until I got home in the evening  
when you want me to copy same  
before hand  
referring to that matter of  
Smith & Just. Burdell  
Yours.

J C Baguer  
H E D & H  
Brooklyn C D



0587



NOTHING BUT THE ADDRESS CAN BE PLACED ON THIS SIDE.

*For Mr. D. A. Connel*  
*District attorneys office*  
*New York*

0588

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Edward J. Budd

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The defendant was formerly in my employ and has always enjoyed an excellent reputation and comes of a very respectable family, and as I have been informed by the defendant that he was under the impression that I was indebted to him for certain commissions, which was not the case, and therefor possibly may not have intended to appropriate the collections to his own use <sup>unlawfully</sup>, I would respectfully ask the Court that I may be permitted to withdraw the complaint.

Dated N. Y. Oct. 22<sup>d</sup> 1884

M<sup>rs</sup> J. Smith

Witness:-  
Rudolph L. Scharf.



COURT OF GENERAL SESSIONS.

The People, &c.

vs.

*Edward Bond*

OFFENCE

PETER B. OLNEY,  
District Attorney.

*Withdrawal of Complaint*

0589

0590

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward J. Budd

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

Edward J. Budd

of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:

The said Edward J. Budd

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 21st day of March - in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, feloniously and there feloniously did steal and remove of one William E. Smith, and as such felonious and felonious, custody and control, obtain money and property of the said William E. Smith, the true owner thereof, to wit: the sum of twenty five dollars and fifty cents in money and property of the United States of America and of the value of twenty five dollars and fifty cents, - in the force and arms, then and there feloniously did appropriate the same to his own use, with intent to deprive and defraud the said William E. Smith of his said property and of the use and benefit thereof: and the said money and property of the said William E. Smith

then and there feloniously did steal, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John C. O'Connell  
District Attorney



0591

BOX:

152

FOLDER:

1562

DESCRIPTION:

Bull, Charles

DATE:

10/03/84



1562

Witnesses

Wm. Breen

467

Day of Trial,

Counsel,

Filed

Pleads

E. E. P.

day of

1884

W. E. P.

THE PEOPLE

vs.

B

Charles A. Breen

Violation of Excise Law.

(Sundry)

PETER B. OLNEY,

~~JOHN M. MERRON~~

District Attorney.

A True Bill.

Edward W. Mearns

Foreman.

0592



0593

Excise Violation-Selling on Sunday.

POLICE COURT-First DISTRICT.

City and County } ss.  
of New York,

aged 31 years occupation Police Officer  
of the 5<sup>th</sup> Precinct Police

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 29 day

of June 1888, in the City of New York, in the County of New York, at

premises No. 504 Canal Street,

Charles H Bull (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,

to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Charles H Bull

may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 30 day

of June 1888

Richard H Breen

[Signature] Police Justice.

0594

Sec. 193-200

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

*Charles H. Baue* 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. *Charles H. Baue*

Question. How old are you?

Answer. *35 Years*

Question. Where were you born?

Answer. *France*

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

Answer. *504 Canal St. Twelve*

Question. What is your business or profession?

Answer. *Hotel Runner*

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

Answer. *I did not see any body  
on Sunday.*

*Ch H Baue*

Taken before me this  
day of July 1884  
at New York  
J. Smith  
Police Justice.



0595

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

Charles H. Bull

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

Dated July 18 188

Solomon B. Smith  
Police Justice.

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

Dated July 1 188

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.

0596

BAILED,

No. 1, by Michael Herman

Residence 104 Ponony Street.

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

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

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

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

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

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

Police Court First District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Richard H. Breen  
5<sup>th</sup> Precinct.

Charles H. Bull

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated July 1<sup>st</sup> 1888

Schick Magistrate.

Breen 5 Officer.

\_\_\_\_\_ Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 100 to answer Gen Sessions.

Bailed

Offence Violating  
Excise Law



0597

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles M. Bull*

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

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

The said *Charles M. Bull*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the day of *June* in the year of our Lord one thousand eight hundred and eighty-*two*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~and~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT:

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

*Charles M. Bull*

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

The said *Charles M. Bull*

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

0598

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~and~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

THIRD COUNT:

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

*— Charles M. Bull —*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRIT-  
UOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Charles M. Bull*

late of the First Ward of the City of New York, in the County of New York aforesaid, after-  
wards, to wit: on the said *29th* day of *June*, — in  
the year of our Lord one thousand eight hundred and eighty-*four* the same being  
the first day of the week, commonly called and known as Sunday, being then and there in  
charge of and having the control of certain premises at number *Fourteen*

*and 20m Canal Street,*

in the City and County aforesaid, which said place was then duly licensed as a place for the  
sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and  
County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep  
closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and  
there open, and cause and procure, and suffer and permit, to be open, and to remain open,  
against the form of the Statute in such case made and provided, and against the peace of the  
People of the State of New York, and their dignity.

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



0599

BOX:

152

FOLDER:

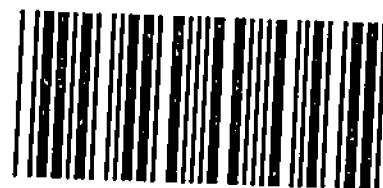
1562

DESCRIPTION:

Bung, Theodore

DATE:

10/03/84



1562

0600

New York Supreme Court,  
New York County.

-----  
The People of the State of New York,  
                    against  
                    THEODORE BUNG.  
-----

County of New York, SS:

CHARLES C. NOTT, JR., being duly sworn, deposes and  
says:

I am a Deputy Assistant District Attorney in the  
County of New York, and have charge of this action.

The indictment herein was filed on the 3rd day of  
~~March~~ <sup>October</sup>, 1884, and the defendant was therein accused of the  
Murder of one Adolph Nockin on the 13th day of September,  
1884.

On the 22nd day of October, 1884, an inquisition was  
held before Honorable Rufus B. Cowing, one of the Judges  
of the Court of General Sessions inquiring into the sanity  
of the said Theodore Bung, upon which inquisition the  
jury found that the defendant was then insane, and he was  
thereupon ordered to be removed to the State Hospital for  
~~in~~ the insane as appears by a certified extract of the  
minutes hereto annexed.

Said defendant has been continuously confined in  
different State Hospitals from that time until the 22nd  
day of April, 1902, when a Writ of Habeas Corpus was issued  
and the body of the defendant was brought before a Justice  
of this Court and was therein discharged as being sane and  
committed to await the trial of this indictment.



0601

2

I have caused due and diligent efforts to be made to locate the witnesses to said crime, but none of them could be found and many of them are dead as appears by the annexed affidavits of Thomas F. Rice, Henry Platt, David J. Widerwitz and the several certificates of the Board of Health hereto annexed.

As I am informed and believe the medical testimony on said inquisition tended strongly to establish the insanity of the defendant at the time of the commission of the crime; I have not been able to find any witnesses to establish his sanity at that time and owing to the long period of time that has elapsed since then, no expert testimony as to his condition at that time can be obtained except that produced upon such inquisition.

In view of the fact that the defendant has been incarcerated for eighteen years, that the witnesses to the occurrence are dead or have disappeared and that the medical testimony obtainable tends to show the insanity of the defendant at the time of the commission of the act, I am unable to find substantial grounds whereon to oppose this motion.

Sworn to before me this :  
23<sup>d</sup> day of May, 1902:

Charles G. New, Jr.

William A. Perry  
Assistant Special Deputy to the  
Clerk of the County of New York.

0602

Court of General Sessions.

THE PEOPLE

vs.

Theodore Ring

County of New York,  
Borough of Manhattan } ss.:  
of the City of New York,

Henry Platt

being duly

sworn, deposes and says: I reside at No. 1318 first avenue Street,  
Borough of Manhattan, in the City of New York. I am a County Detective in the office of the  
District Attorney of the County of New York. On the first day of May  
1902, I called at 2126 Third Avenue  
the alleged Residence of Mr. Maguire  
the complaint herein, to serve him with the annexed subpoena, and was informed by

residents of the house who live there over 10 years  
that Mr. Maguire was not known at the address.  
From Real Estate Agents who had charge of the  
house eighteen years ago, I was told that Mr.  
Maguire moved away and to the best of their  
belief he was dead. I tried every way possible  
to find out further information regarding him  
but was unable to do so.

That deponent has exercised all diligence and effort to ascertain the present whereabouts  
of said witness and has been unable to find the same and has no further means of ascertaining  
the same.

Sworn to before me, this 2<sup>nd</sup> day  
of May 1902  
Geo. F. Hamming  
NOTARY PUBLIC,  
COUNTY N. Y.

Henry Platt  
County Detective.



0603

*Mr. Maguire*

**Court of General Sessions.**

THE PEOPLE on the complaint of

vs.

*Theodore Buz*

Offense:

Affidavit of

*Henry Platt*

County Detective.

**FAILURE TO FIND WITNESS.**

WM. LAYENS JEROME  
EUGENE A. PHILLEN,

District Attorney.

0604

19 H-1000.

NEW YORK, May 20 1902A Transcript from the Records of the Deaths Reported to the  
Department of Health of the City of New York.

CITY OF NEW YORK.

STATE OF NEW YORK.

No. of Certificate,

## CERTIFICATE AND RECORD OF DEATH

Albert Gagel or7977

I hereby certify that I attended deceased from Feb 10. 1890 1902, to Feb 28. 1890 1902  
that I last saw him alive on the 28 day of Feb 1890 1902, that he died on the  
28 day of Feb 1890 1902, about 3 o'clock A. M. or P. M., and that to best of my  
knowledge and belief, the cause of his death was as hereunder written. (If under one year old, state how fed.)

Dysphoric Fever. Collapse

Witness my hand this 28 day of Feb. 1890 1902  
Place of Burial, Woodlawn (SIGNATURE), Joseph L. Lewis M. D.  
Date of Burial, Mar 5. 1902  
Undertaker, Schwartz & Rebhan  
Residence, 348 E 115 St. RESIDENCE, 175 E 116 St.

Date of Death.	Full Name.	Age, in years, mos. and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U.S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Death.	Last Place of Residence.	Class of Dwelling (houses containing more than two families).	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<u>February 28. 1890</u>	<u>Albert Gagel</u>	<u>23. 1. 12.</u>	<u>W.</u>	<u>Single</u>	<u>Houseman &amp; Contractor.</u>	<u>NY City</u>	<u>Life</u>	<u>W.</u>	<u>Christian</u>	<u>Germany</u>	<u>Anna M.</u>	<u>Germany</u>	<u>333 E 110 St</u>	<u>W.</u>	<u>W.</u>	<u>W.</u>	<u>W.</u>	<u>Mar. 1. 1902</u>

NOTICE.—In issuing this transcript of record, the Department of Health of the City of New York does not certify to the truth of the record transcribed. The seal of the Department of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

A True Copy.

Engene W. Khepp  
Chief Clerk.



0605

Court of General Sessions.

THE PEOPLE

vs.

Theodore Bing.

County of New York,  
Borough of Manhattan } ss.:  
of the City of New York, }

Henry Platt being duly  
sworn, deposes and says: I reside at No. 1318 First Avenue Street,  
Borough of Manhattan, in the City of New York. I am a County Detective in the office of the  
District Attorney of the County of New York. On the first day of May  
1902, I called at 2126 Third Avenue & also at 333 E. 114 St.  
the alleged Residence of Albert Gagel  
the complaint herein, to serve him with the annexed subpoena, and was informed by

residents of both places that they never heard  
the name. I followed up the different names  
of Gagel that I found in the Directory, and  
found his brother Christ Gagel who was living  
at 108 E. 119 St. who informed me that his brother  
Albert who was junior clerk in the drug store,  
and who was a witness in the above named  
case, had died twelve years ago.

That deponent has exercised all diligence and effort to ascertain the present whereabouts  
of said witness and has been unable to find the same and has no further means of ascertaining  
the same.

Sworn to before me, this 2<sup>nd</sup> day  
of May 1902

Geo. P. Hammond  
NOTARY PUBLIC,  
COUNTY N. Y.

Henry Platt  
County Detective.

Record of Weather  
Peter Smith

Alfred Gayle  
Court of General Sessions.

THE PEOPLE on the complaint of

vs.

Thodore Burg

Offense:

Affidavit of

Henry Platt  
County Detective.

FAILURE TO FIND WITNESS.

WM. TRAVERS JEROME  
EUGENE ANDERSEN,

District Attorney.

Alfred Gayle  
and

0606



0607

**Court of General Sessions.**

THE PEOPLE

vs.

*Theodore Bung*

County of New York,  
Borough of Manhattan } ss.:  
of the City of New York,

*Henry Platt*

being duly

sworn, deposes and says: I reside at No. *1318 First Avenue* Street,  
Borough of Manhattan, in the City of New York. I am a County Detective in the office of the  
District Attorney of the County of New York. On the *first* day of *May*  
1902, I called at *2126 Third Avenue*  
the alleged *Residence* of *Mrs. Maguire*  
the complaint herein, to serve her with the annexed subpoena, and was informed by

*residents of the house, who have lived there for  
over ten years, that Mrs. Maguire was not known  
at the above address. From a Real Estate Agent  
who had charge of the house eighteen years  
ago, I was told that Mrs. Maguire had moved  
away, and to the best of their belief, she was  
dead. I tried every way possible to find further  
information about her, but did not succeed.*

That deponent has exercised all diligence and effort to ascertain the present whereabouts  
of said witness and has been unable to find the same and has no further means of ascertaining  
the same.

Sworn to before me, this *2nd* day  
of *May* 1902

*Geo. Hammond Jr.*

NOTARY PUBLIC  
COUNTY N. Y.

*Henry Platt*

County Detective.

0608

New Orleans.

Court of General Sessions.

THE PEOPLE on the complaint of

vs.

Theodore Ring

Offense:

Affidavit of

Henry Platt

County Detective.

FAILURE TO FIND WITNESS.

WM. TRAVERS JEROME  
EUGENE PHELPS

District Attorney.



0609

19 H-100

NEW YORK, May 20, 1902.A Transcript from the Records of the Deaths Reported to the  
Department of Health of the City of New York.

CITY OF NEW YORK.

STATE OF NEW YORK.

No. of Certificate,

## CERTIFICATE AND RECORD OF DEATH

34091George Warner

I hereby certify that I attended deceased from Dec. 9. 1898 to Dec. 12. 1898  
that I last saw him alive on the 12 day of Dec. 1898, that he died on the  
12 day of Dec. 1898, about 4:45 o'clock A. M. or P. M., and that to best of my  
knowledge and belief, the cause of his death was as hereunder written. (If under one year old, state how fed.)

Exhaustion due to Atrophic Cirrhosis of LiverWitness my hand this 13 day of Dec. 1898Place of Burial, Calvary

(SIGNATURE),

Date of Burial, Dec. 14. 1898A. H. Mandell

M. D.

Undertaker, J. Nichols

RESIDENCE,

Residence, 210 E 47 St.Bellevue Hospital

Date of Death.	Full Name.	Age, in years, months, and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U. S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Death.	Last place of Residence.	Class of Death (a person being a permanent resident of this city by more than two families).	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<u>Dec. 12. 1898</u>	<u>George Warner</u>	<u>33</u>	<u>W.</u>	<u>Married</u>	<u>Maker</u>	<u>W. B.</u>	<u>W. B.</u>	<u>do.</u>	<u>John</u>	<u>Ireland</u>	<u>John</u>	<u>Ireland</u>	<u>Bellevue Hospital</u>	<u>151 E 32 St</u>		<u>do.</u>	<u>do.</u>	<u>Dec. 13 1898</u>

A True Copy.

Engle W. Chepman

Chief Clerk.

NOTICE.—In issuing this transcript of record, the Department of Health of the City of New York does not certify to the truth of the record transcribed, The seal of the  
Department of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

06 10

*Wanted for crime about 40 years since three years ago*

SUBPENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York

To *George Warner*

of No. *637 W 43* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court Building on Centre Street, between Franklin and White Streets, in the Borough of Manhattan, of the City of New York, on the *24* day of *April* **APRIL** 190 *4* at the hour of 10 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

*Theodore Bunge*

**APRIL**

Dated at the Borough aforesaid, in the County of New York, the first Monday of

in the year of our Lord 190 *2*

WM. TRAVERS JEROME, District Attorney.

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]



06 11

# Court of General Sessions.

THE PEOPLE

vs.

*Thos. Rice*

County of New York,  
Borough of Manhattan } ss.:  
of the City of New York,

sworn, deposes and says: I reside at No.

*Thos. Rice -*  
*735 - W. 15<sup>th</sup>*

being duly  
Street,

Borough of Manhattan, in the City of New York. I am a County Detective in the office of the

District Attorney of the County of New York. On the *7<sup>th</sup>* day of *April*

190 *2*, I called at *637 West 43<sup>d</sup>*

the alleged

*Address*

of

*George Warner*

the complaint herein, to serve *him* with the annexed subpoena, and was informed by *The Owner*

*of the factory located at said address that the -*  
*affirmed George Warner had worked for the firm for -*  
*About 40 years, and had died about three years ago.*

That deponent has exercised all diligence and effort to ascertain the present whereabouts  
of said witness and has been unable to find the same and has no further means of ascertaining  
the same.

Sworn to before me, this *19<sup>th</sup>* day  
of *May* 190 *2*

*Geo. P. Hammond*  
*Notary Public*  
*West County*

*Thos. Rice*

County Detective.

*Geo. W. W.*

**Court of General Sessions.**

THE PEOPLE on the complaint of

vs.

*Meador King,*

Affidavit of

*Geo. W. W.*

County Detective.

FAILURE TO FIND WITNESS.

*Eugene A. Phillips,*  
~~EUGENE A. PHILLIPS,~~

District Attorney.

06 12



06 13

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY.

☒ If this Subpoena is disobeyed, an attachment will immediately issue.

☒ Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York

To

*Off Mulligan*

of No.

*12 D*

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court Building on Centre Street, between Franklin and White Streets, in the Borough of Manhattan, of the City of New York, on the *24* day of *APRIL* 190 *2* at the hour of 10 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

*Frederic Bung*

Dated at the Borough aforesaid, in the County of New York, the first Monday of *APRIL*

in the year of our Lord 190 *2*

WM. TRAVERS JEROME, *District Attorney.*

Ask to see Mr. *Guay*  
at 9 o'clock A.M. 1st floor.

0614

# Court of General Sessions.

THE PEOPLE

vs.

*Theodore Bung*

County of New York,  
Borough of Manhattan } ss.  
of the City of New York,

*D. J. Widewitz*

being duly  
Street,

sworn, deposes and says: I reside at No. *222 Henry*  
Borough of Manhattan, in the City of New York. I am a County Detective in the office of the  
District Attorney of the County of New York. On the *17* day of *May*  
190*2*, I called at *12<sup>th</sup> Ave Pol. St.*  
the alleged *address* of *Off. Jas. Mulligan*  
the complaint herein, to serve him with the annexed subpoena, and was informed by

*sergeant, that they had not any such officer. I telephoned over Police Headquarters and was informed that Officer Jas. Mulligan is not living. Upon further inquiry I was informed by man in charge of Information Bureau at Police Headquarters, N.Y. City that Officer Jas Mulligan died Feb 24<sup>th</sup>, 1888.*

That deponent has exercised all diligence and effort to ascertain the present whereabouts of said witness and has been unable to find the same and has no further means of ascertaining the same.

Sworn to before me, this *19* day  
of *May* 190*2*  
*Geo. P. Hammond*  
Notary Public  
N.Y. County

*D. J. Widewitz*  
County Detective.



06 15

*Off. Mulligan*

**Court of General Sessions.**

THE PEOPLE *on the complaint of*

vs.

*Offense:*

*Theodore Bung*

*Affidavit of*

*David Jevick*

*County Detective.*

**FAILURE TO FIND WITNESS.**

WM. TRAVERS JEROME,

*District Attorney.*

06 16

Court of General Sessions.

THE PEOPLE

vs.

Theodore Bing

County of New York,  
Borough of Manhattan } ss.:  
of the City of New York,

Henry Platt

being duly

sworn, deposes and says: I reside at No. 1318 first Avenue Street,  
Borough of Manhattan, in the City of New York. I am a County Detective in the office of the  
District Attorney of the County of New York. On the first day of May-  
1902, I called at 2016 Third Avenue  
the alleged Residence of John T. Henry  
the complaint herein, to serve him with the annexed subpoena, and was informed by

people who have lived in the house for nine  
years that they never knew him. From an  
Agent who had the house eighteen years ago,  
and who remembered John T. Henry, said that  
the last he knew of him, was that he had  
gone to Boston Mass. about seven years ago,  
and he thought that J. T. Henry was dead.  
He said that Mr. Henry would now be about  
sixty years of age.

That deponent has exercised all diligence and effort to ascertain the present whereabouts  
of said witness and has been unable to find the same and has no further means of ascertaining  
the same.

Sworn to before me, this 2<sup>nd</sup> day  
of May 1902

Geo. P. Hammond

NOTARY PUBLIC,  
COUNTY N. Y.

Henry Platt

County Detective.



06 17

*Geo. T. Henry*  
Court of General Sessions.

THE PEOPLE on the complaint of

vs.

*Theodore Bung*

Affidavit of

*Henry Platt.*

County Detective.

FAILURE TO FIND WITNESS.

*WM. TRAVELLO JELSON*  
EUGENE A. PHILBIN,

District Attorney.

*Geo. T. Henry*

*Boston, 1900*  
*in duty*

06 18

AT A COURT OF GENERAL SESSIONS OF THE PEACE, holden in and for the City and County of New York, at the City Hall of the said City, on Wednesday, the 22nd day of October, in the year of our Lord one thousand eight hundred and eighty-four.

PRESIDENT,

The Honorable RUFUS B. COWING,

City Judge of the City of New York.

Justice.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

THE PEOPLE OF THE STATE x  
OF NEW YORK. x

against x

THEODORE BUNG. x

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

On indictment for Murder in the first

degree of Adolph J. Nockin.

(Filed October 3rd, 1884.)

Assistant District Attorney Adams represents to the Court that he has been informed by doctors Allen Fitch and William L. Hardy that the defendant is not of sound mind and is incapable of understanding the proceedings of a trial or making his defense.

Whereupon the Court ORDER a preliminary issue and inquisition to ascertain the fact and the following jurors are balloted and sworn:

Charles F. Wiebusch,  
David Simpson,  
John H. Peper,  
Moses Greenwald,

Alonzo H. Cook,  
Albert W. Vermente,  
Frederick Stahl,  
John J. Cannon,

Moses Kahn,  
Robert T. Andrews,  
George H. Toot,  
Jacob Hirsh.

EVIDENCE FOR DEFENDANT:

Allen Fitch, M. D.

William L. Hardy, M. D.

The jury without leaving the bar say they find the said Theodore Bung is now

INSANE

An inquisition having been ordered by the Court to inquire whether the defendant, Theodore Bung, is of sound mind and understanding, or not, for the purpose of ascertaining whether he is now in a situation to be put upon his trial for said felony and a jury having been impaneled and sworn, and by their verdict from the evidence having found that the said



06 19

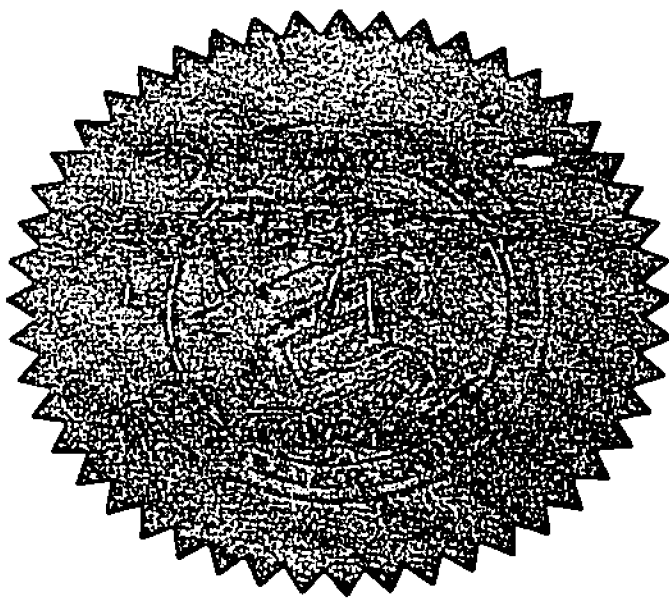
Theodore Bung is not of sound mind and understanding, and the Court being so certified of the fact,

IT IS THEREUPON ORDERED that the said THEODORE BUNG be forthwith removed to the Hudson River New York State Hospital for the Insane, thereto be safely kept and detained in said Hospital, until he shall be restored to a sound state of mind and understanding, and then to be returned to the City Prison of the City of New York.

IT IS FURTHER ORDERED that the Sheriff of said City, do forthwith convey said defendant to the said Hospital.

A TRUE EXTRACT FROM THE MINUTES.

*Edward R. Carroll*  
Clerk of Court.



0620

NEW YORK SUPREME COURT.

The People of the State of New York

ex rel

THEODORE BUNG

against

H. E. ALLISON as Superintendent of  
the Matteawan State Hospital.

The respondent herein, H. E. Allison, respectfully makes the following return to the writ of Habeas Corpus heretofore granted on the 16th day of April 1902.

I. The respondent, H. E. Allison, is the Superintendent of the Matteawan State Hospital and as such has custody of the person of the inmates committed to that institution by due process of law.

II. At a Court of General Sessions of the Peace holden in and for the City and County of New York at the City Hall of the said City on Wednesday, the 22d day of October, 1884, present, Hon. Rufus B. Coving, City Judge of the City of New York, Justice of the Sessions, Theodore Bung, then under indictment for murder in the first degree, was found to be not of sound mind and understanding, at an inquisition ordered by the court and before a jury who so certified. It was thereupon ordered that the said Theodore Bung be forthwith remanded to the Hudson River State Hospital, there to be detained until he shall be restored to a sound state of mind and understanding, as is more fully shown by a copy of said order which is hereto attached and made a part of this return.

III. That by virtue of said order of commitment, the said Theodore Bung was conveyed to the said Hudson River State Hospital and there kept in custody until Nov. 8, 1886.



0621

IV. That on the date last mentioned, namely Nov. 3, 1886, said Theodore Bung was transferred from the Hudson River State Hospital, to the State Asylum for Insane Criminals at Auburn, N. Y., under the provisions of Chap. 515 of the Laws of 1884, as more fully appears by copy of an order of Hon. J. F. Barnard, Justice of the Supreme Court, a copy of which is hereto annexed.

V. That the said Theodore Bung, in accordance with said order, was conveyed to and remained in said State Asylum for Insane Criminals at Auburn until April 29, 1892, when he was removed together with other patients in the custody of the said asylum, to the new buildings at Matteawan, established by act of the Legislature for the care and custody of all inmates of the State Asylum for Insane Criminals at Auburn; where he has since remained and now is confined.

VI. That in the opinion of your respondent, the relator herein still suffers from such a degree of mental impairment that your respondent has heretofore been, and now is, unable to render a certificate of recovery.

*H. E. Allison*  
Medical Superintendent,

Matteawan State Hospital.

STATE OF NEW YORK  
SS.  
COUNTY OF DUTCHESS.

H. E. Allison, being duly sworn, deposes and says: That he is the respondent herein and the person mentioned in the foregoing return, that he has read the foregoing return and knows the contents thereof, and the same is true to the knowledge of deponent except as to matters therein stated to be alleged on information and belief, and that as to those matters, he believes it to be true.

*H. E. Allison*  
Medical Superintendent,  
Matteawan State Hospital.

Sworn to before me  
this 21st day of April 1902.

*Jesse M. W. Scott*  
Notary Public.

*in the County of Dutchess*

0622

COPY.

At a Court of General Sessions of the Peace,  
holden in and for the City and County of New York,  
at the City Hall of the said City, on Wednesday, the  
22nd day of October, in the year of our Lord One  
Thousand Eight Hundred and eighty four.

Present.

The Honorable Rufus B. Cowing	}	Justice of the Sessions.
City Judge of the City of New York		

-----  
The People of the State of New York  
                                  against  
Theodore Bung.  
-----

On indictment for Murder in the first degree of  
Adolph J. Nockin-

(filed Oct 3rd, 1884.)

An Inquisition having been ordered by the Court to  
inquire whether the defendant Theodore Bung is of sound  
mind and understanding or not, for the purpose of ascertain-  
ing whether he is now in a situation to be put upon his  
trial for said felony and a Jury having been empaneled  
and sworn, and by their verdict from the evidence having  
found that the said Theodore Bung is not of sound mind  
and understanding, and the Court being so certified of  
the fact,

It is thereupon Ordered that the said Theodore  
Bung be forthwith removed to the Hudson River N. York  
State Hospital for the Insane, there to be safely kept  
and detained in said Hospital, until he shall be restored  
to a sound state of mind and understanding, and then to be  
returned to the City Prison of the City of New York.



0623

It is further ordered that the Sheriff of said City, do forthwith convey said defendant to the said Hospital.

A true extract from the minutes.

John Spalk,

Clerk of Court.

(SEAL)

0624

Oughtkeeper, N. Y., November 3<sup>d</sup> 1886.

Criminal Cases, County Prisoners Hudson River State Hospital.			
Name.	Residence.	Received upon Order of.	When Admitted.
865 <sup>th</sup> Therese Brant	New York City & Co.	Rufus R. (convicted by Judge)	Nov. 23 <sup>d</sup> 1884
			Remanded - at long intervals visited.
			Nature of Crime.
			Murder in the first degree (of a daughter)

(and others?)

I hereto order the persons named in this list who are  
various persons & criminals under Chgs. 575, Laws of 1884,  
to be transferred from the Hudson River State Hospital  
to the State Prison for Criminals at Auburn, N. Y.  
Nov. 4, 1886.

W. J. Ward

J. F. Ward  
Clerk, N. Y. S. Court.



0625

The within named were  
received at State Prison  
for Indiana criminals  
At 4 November 1886.

0626

Thodore Bung

Return & Write,

Apr 29 1902



0627

New York Supreme Court,  
New York County.

THE PEOPLE OF THE STATE OF  
NEW YORK,

*against*

THEODORE BUNG.

A F F I D A V I T.

WM. TRAVERS JEROME,

DISTRICT ATTORNEY,

CRIMINAL COURT BUILDING,

BOROUGH OF MANHATTAN,

NEW YORK CITY

*Filed May 23, 1902*

0628

Court of General Sessions.  
CLERK'S OFFICE.

PEOPLE

vs.

Beving

Received newspaper  
cutting

H. G. Gray



People  
against  
Theodore Bueg

42 Nov 26<sup>th</sup> 1884

Oct 11<sup>th</sup> 1884

Wm. & Mrs. B. Oliver.

District Attorney -

Dear Sir -

I have carefully  
examined into the mental  
condition of Theodore Bueg - now  
confin'd at the Couls. and  
from his physical as well as  
mental state. I believe him  
to be suffering from melancholia  
with delusions of persecution -  
Wm. G. Wiley M.D. - Allen Mich.  
Physician City Prison.

0629

0630

Department of  
*Public Charities and Correction,*

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

JAMES FINN.  
Warden.

*New York, Sept 24 1884*

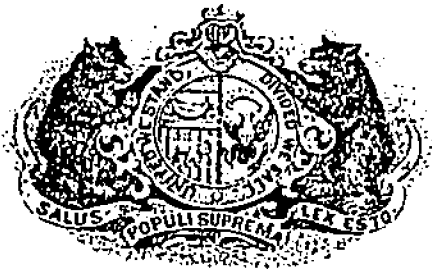
Hon. Peter B. Olney  
District Attorney  
Dear Sir:

Dr. Allen Fitch, one of  
the physicians of this institution has  
informed me that Prisoner Theodore  
Bung, who was committed to this prison  
on Sept 13<sup>th</sup> by Police Justice Welde on a  
charge of Homicide, is to the best of  
his belief insane.

The above mentioned physic-  
ian has also informed me that Prisoner  
Joseph M. Pease who was committed  
to this prison Sept 3<sup>d</sup> by Police Justice  
White on a charge of Forgery is showing  
~~signs~~ signs of insanity, which may be feared.



0631



OFFICE  
**BOARD OF  
Police Commissioners**

WM. L. EWING, MAYOR & EX-OFFICIO PRES.  
FRANK J. LUTZ, M.D. VICE PRESIDENT.  
TRYON J. WOODWARD, TREAS. & PUR. MEM.  
DAVID W. CARUTH, MEM. BOARD OF HEALTH.  
OLIVER P. GOODING, COMMISSIONER.  
BERNARD P. TAAFFE, SECRETARY.

FOUR COURTS.

*St. Louis, Mo. 1882*

Sir:

I have been informed that you are in New York and are engaged in some business with the Board of Police Commissioners. I am sorry to hear that you are leaving so soon, but I hope you will be able to assist the Board in some way.

Very respectfully,  
Bernard P. Taafe, Secretary.

0632

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

The People of the State of New-York, TO  
James Finn, Warden, City  
Prison.

Obey Command You, That you have the body of Theodore Zung

HAB. CORPUS  
TO BRING UP PERSON.

by you imprisoned and detained, as it is said, together with the time and  
cause of such imprisonment and detention, by whatsoever name the said  
is called or charged, before

*Theodore Zung*  
of the State of New York, at the Special Term at  
the Supreme Court, at the County Court House  
Chambers thereof, in the City of New York, on October 4<sup>th</sup>, 1884, at  
11 o'clock in the forenoon of that day

to do and receive what shall then and there be considered concerning him and have you  
then there this writ.

Witness, Hon. Chas. Donohue, Justice Supreme Court  
the third day of October, one thousand eight hundred and eighty-four

Herbert H. Mink,  
defendant and petitioner.

Attorney for Patrick Kenan, CLERK.



POOR QUALITY  
ORIGINALS

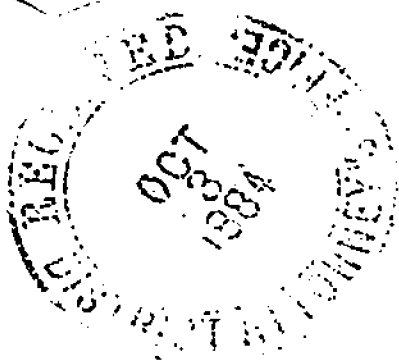
0633

U. S. Supreme Court.

In the matter of  
the application of  
Theodore Bunn  
for his discharge &c

Writ of Habeas Corpus

Allowed  
October 31, 1884  
Honolulu



Herbert H. Walker  
attorney for Theodore Bunn  
169 Broadway

To Peter B. Olney  
Dist attorney

0634

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

-----X  
The People, etc.,

--against--

Theodore Bung,

Defendant.  
-----X

HONORABLE WILLIAM TRAVERS JEROME.

PLEASE TO TAKE NOTICE that on the annexed affidavit of Theodore Bung, the defendant herein, and on the affidavit of Ambrose H. Purdy, I will move this Court, at Part one for the trial of criminal cases, on Friday 23rd day of May 1902, at 10.30 A M., or as soon thereafter as counsel can be heard for an order dismissing the indictment herein.

*Dated N.Y. May 21 1902* Yours, etc.,

Ambrose H. Purdy,  
Attorney for defendant,  
Office and Post Office Address,  
346 Broadway,  
Manhattan.



0635

NEW YORK SUPREME COURT,  
NEW YORK COUNTY.

-----X

The people, etc.,

--against--

Theodore Bung,

Defendant.

-----X

City and County of New York, ss:

Theodore Bung being duly sworn, deposes and says;  
I am the defendant in the above entitled action. On the 13<sup>th</sup>  
day of September 1884, I was employed as a drug clerk for  
Rodolph J. Nockin; for some reason that I am not able to  
define, I conceived the delusion that Mrs. Batton a sister of  
Rose Coughlan, the actress, desired to forceably marry me.  
Mr. Nockin, my employer, was my friend, he endeavored ~~me~~ to  
reason me out of this delusion, but I instead of being con-  
vinced became satisfied that he, Nockin, was engaged in the  
conspiracy with Mrs. Batton to kidnap me and carry me forceably  
away, to marry her. These allusions and delusions took entire  
possession of my mind. I believe in ~~it~~ them implicitly; I commu-  
icated with various police authorities, representing to them  
that I was being persecuted for this purpose. I of course,  
received no satisfaction, being regarded as a harmless lunatic.

On the day of the homicide when Mr. Nockin approached  
me, I then firmly believed that he was about to seize me and  
carry me forceably away to have a marriage **ceremony** performed;  
I drew my pistol and shot my best friend. On being arrested,  
I was subsequently brought before Justice Cowing in the Court  
of General Sessions, ~~and~~ before a Jury, and on the evidence of the  
doctors I was committed to the Hudson River State Hospital at  
Poughkeepsie, on the 22nd day of October 1884. An indictment  
was filed against me on the 3rd of October 1884 in the Court  
of General Sessions, charging me with murder in the first  
degree.

0636

From the Hudson River State Hospital at Poughkeepsie, I was subsequently transferred to the Asylum for insane Criminals at Matteawan, where I remained until the day of 1902, when on a writ of Habeus Corpus, I was brought before Justice Marcan in the Supreme Court in Brooklyn, and thereupon was discharged as being sane, but committed to await the trial of this indictment. I now learned from my attorney Ambrose H. Purdy that all the witnesses to the homicide are either dead or cannot be found; it would be much better for me, in my judgment, if the case could be tried; I have no doubt of my ability to establish beyond all questions, the fact that at the time of the homicide I was insane. After 18 years incarceration in the asylum, I must now go forth to the world to earn a living. During this long period, all my friends and relatives have passed away; I am willing to make any consents or to waive any possible rights to the proof of the homicide that is possible for me to do under the law. It would be very satisfactory for me to prove that the time of this most deplorable act, I was insane; there must always be by reason of it, a cloud upon my life. I am now 34 years of age, and of fair education, and have great hopes for my future.

I am informed by my counsel that the district attorney is satisfied from his investigations, that it will be impossible for him to bring me to trial. I therefore under his advice, ask that the indictment against me be dismissed, and that I be restored to my liberty. I am informed by my attorney, that notwithstanding, all his efforts and also the efforts of a detective agency, that he employed, that as yet it has been impossible to ascertain the residence of Mrs. Nockin the widow of my friend, who lost his life by my hand. I shall, however, if restored to my liberty, do everything possible to ascertain her residence, if living, and do anything in my power to repair the awful damage that I did her, when I unconsciously took the life of her husband, who was my best friend.

In case she is in any need, and if its possible,



0637

I would gladly do any thing for her to repair the terribly injury inflicted upon her. I cannot express to your Honor the great sorrow that I feel for the result of my insane act; I can only say that for the remaining years that may be left ~~safe~~ for me in this world, I will do everything that I can to repair the injury that I have done in taking the life of a respectable citizen.

Sworn to before me this  
21<sup>st</sup> day of May 1902.

: *Thos. B. B. B.*  
:

*Allegan W. B. B.*  
*Allegan W. B. B.*  
*Allegan W. B. B.*

0638

NEW YORK SUPREME COURT,  
NEW YORK COUNTY.

-----X  
The people, etc.,

--against--

Theodore Bung,

Defendant.  
-----X

City and County of New York, ss:

Ambrose H. Purdy being duly sworn, deposes and says; that he is the attorney for the defendant in the above entitled action, that on the 29th day of March 1902, I received ~~xxx~~ a letter from the defendant herein, which is hereunto attached and marked Exhibit A. In response to said letter, I wrote to the defendant, and received from him about April 5th 1902, a letter hereunto attached and marked Exhibit B. I responded to said letter, and on April 9th 1902, I received another letter from the defendant marked Exhibit C. Then being satisfied of the justice of the claim of the defendant that he was of sane mind, I prepared a petition based upon said letters, and from the investigation that I had made into the facts of his arrest, I applied for a writ of Habeas Corpus addressed to Justice Marean of the Supreme Court, to bring the defendant before the court in order to ascertain the fact of his sanity. On the return day of the writ, the defendant was brought before the said justice in the Supreme Court, County of Kings, City of Brooklyn, and thereupon an investigation and examination of the defendant before the said Justice was had. As a result of said examination, Justice Marean thereupon pronounced him of sane mind, and thereupon committed him to the City Prison, to await a trial on this indictment. Thereupon on being assigned by Justice Newburger of the Court of General Sessions, and on his arraignment on said indictment, I entered a plea of not guilty, with the specification that the defendant was insane



0639

at the time of the commission of the homicide. I thereupon began an investigation from which I learned, from the examination of the papers that Albert Gagel, John T. Henry and George Warner were the actual witnesses to the homicide. That as to the insanity of the defence the two doctors who testified to that fact were Doctors Hardy and Fitch; it became necessary for me in the proper preparation of the case to ascertain the whereabouts of the witnesses, and also to consult with the doctors who had seen the defendant at or near the time of the commission of the homicide, and who could testify as to his mental condition. I ascertained that Dr. Hardy was dead, but that Dr. Fitch was living, and I interviewed Dr. Fitch and refreshed his memory by an extract from the proceedings has at the original inquisition. In the mean time the case was placed upon the calendar of this court on the day of *May* 1902. The case was adjourned to the day of *12<sup>th</sup>* 1902, and on that day I then appeared and the case was then adjourned until the 23rd day of May 1902. The district attorney ascertained that many of the witnesses, in fact, all of the witnesses by which he expected to prove his case were either dead or could not be found. In the mean time, I in order to protect the interest of this defendant, had employed Wilkenson a detective agency, to assist me in ascertaining the whereabouts of the witnesses, because it became important for me on the defence of insanity to see them, and if possible, to get from them the facts bearing upon this defence; as a final result of my inquiries, I find, first; that the witnesses Gagel, Henry and Warner are dead, that the officer Joseph Mulligan is also dead; I ascertained these facts from my own *personal* investigation, and in addition thereto I am corroborated by the evidence of the detective employed by Wilkenson, detective agency, reports of which I hereunto attach, as forming a part of my affidavit in this motion.

0640

WHEREFORE by reason of all the premises, and all the facts in the case, and in justice not only to the people, but to this defendant, I ask that the indictment herein be dismissed.

Sworn to before me this  
21<sup>st</sup> day of May 1902.

: A. H. Purdy.

Caesar H. Davis  
County of Deeds  
Superior



0641

E 237

Patients desiring to write letters must apply to the Medical Officer on Saturday morning.

Letters containing news about other patients will not be forwarded. Friends of patients are requested not to send money or tobacco.

Letters of inquiry concerning Patients should be addressed to

H. E. ALLISON, M. D.,  
MEDICAL SUP'T MATTEAWAN STATE HOSPITAL,  
FISHKILL LANDING, N. Y.

Write here the Address of the person to whom this Letter is to be sent.

176 Broadway  
Ambrose H. Purdy, Esq.,  
Attorney at Law, No. 346 Broadway,  
New York City.

Exhibit A.

Fishkill Landing, N. Y., March 29<sup>th</sup> 1902

Mrs. A. H. Purdy,

Dear Sir:

I write to you in the hope of enlisting your sympathy <sup>and aid as counsel</sup> in my behalf to the extent of obtaining my release from this asylum and final freedom. I require the services of an attorney to get out of this asylum; that is not saying that we are to antagonize the Medical Superintendent; I hope on the contrary that he will consent to my release. I believe that I have been sane now for the past 3 or 4 years. You may think that if I had been sane for that length of time the Med. Sup't. should have sent me back to court, but the law gives him some discretion in the matter as he doubtless assumes much responsibility in taking his actions.

I am without present means to pay counsel. I will promise however, that upon my final release I will pay you, gradually, the amount of your fees.

I will say that I was committed to the Poughkeepsie Asylum in 1884 upon being adjudged insane by a Sheriff's jury; an indictment for homicide, which still stands, having been

0642

1

previously found against me. I was subsequently transferred from there to the Asylum for Insane Criminals.

The lawyer who defended me at the time of my arrest has long since abandoned the case (H. A. Walker), he informed me, at the time he defended me, that he practiced in the civil courts mainly — and I am now without counsel, have no near relatives and no close personal friends.

I will write a full statement of my case, regarding my mental condition before my arrest and since if you desire it.

I trust that you will give this appeal a favorable consideration.

Hoping to hear from you soon,

I subscribe myself very respectfully,

Your obedient servant,

Theodore Bump.



0643

E 237

Patients desiring to write letters must apply to the Medical Officer on Saturday morning.

Letters containing news about other patients will not be forwarded. Friends of patients are requested not to send money or tobacco.

Letters of inquiry concerning Patients should be addressed to

H. E. ALLISON, M. D.,  
MEDICAL SUP'T MATTEWAN STATE HOSPITAL,  
FISHKILL LANDING, N. Y.

Write here the Address of the person to whom this Letter is to be sent.  
\*\*\*\*\*

1160 Broadway  
Ambrose H. Purdy, Esq.,  
Attorney at Law, No. 346 Broadway,  
New York City.

Exhibit B.

Fishkill Landing, N. Y., April 5<sup>th</sup> 1902

Mr. A. H. Purdy,

Dear Sir:

I received your very welcome letter of the 3<sup>d</sup> inst. last evening; it came as a pleasing surprise, as, after writing many letters to lawyers and aid associations I failed to elicit even a reply. I hardly know how to express my thanks to you for your determination to take up my case.

I regret my inability to send you today the information you ask for; the date of my indictment is, but I expect, through the kindness of Dr. Allison, to be able to send you the exact dates by Tuesday or Wednesday of next week. Until then I beg to subscribe myself,

very respectfully,

Your obedient servant,

Theodore Bunn.

0644

E 237

Patients desiring to write letters must apply to the Medical Officer on Saturday morning.

Letters containing news about other patients will not be forwarded.

Friends of patients are requested not to send money or tobacco.

Letters of inquiry concerning Patients should be addressed to

H. E. ALLISON, M. D.,  
MEDICAL SUP'T MATTEAWAN STATE HOSPITAL,  
FISHKILL LANDING, N. Y.

Write here the Address of the person to whom this Letter is to be sent.

*Bldg 14*  
Ambrose H. Purdy, Esq.,  
Hornet at Law,  
No. 346 Broadway, New York City.

Exhibit C.

Fishkill Landing, N. Y., April 9<sup>th</sup> 1902

Mr. Ambrose H. Purdy,

Dear Sir:

In my letter to you of the 5<sup>th</sup> inst. I said that I hoped to be able through the kindness of Mr. Allison to send you the information you asked for in your valued favor of the 3<sup>d</sup> inst. by Tuesday or Wednesday of this week. It is as follows:

Date of Indictment? Late week morning, filed October 3<sup>d</sup> 1884.

In what Court? General Sessions of the Peace, County of New York

On what degree of homicide? Murder, 1<sup>st</sup> degree.

Date of Commitment? October 22<sup>d</sup> 1884 to Hudson River State Hospital, Poughkeepsie.

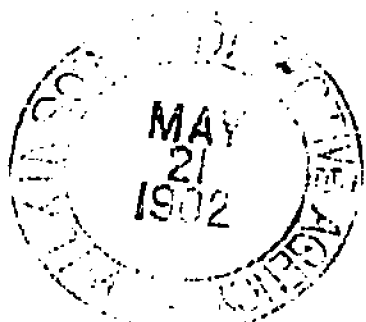
I will take the liberty of adding a few data as I remember them, hoping that they may be of use to you.

I was arrested on the 13<sup>th</sup> day of September 1884; the coroners inquest, at which I was present, followed a week or 10 days later, a few days afterwards I was taken before Justice Chas. Donohue of the Supreme Court on a writ of habeas corpus, my counsel claiming that we were entitled to an examination before a Police Magistrate before the case could be submitted to the Grand Jury, I believe the writ was dismissed because the indictment had already been procured. All the Court proceedings



0645

Copy.



May 12th, 1902.

A. H. Purdy, Esq.,  
City.

Dear Sir:-

In reference to the matter which we have in hand for you, in concerning the location of witnesses in the Nockin murder case of Sep. 1884, I have to report that we have a mass of detail, which, in their present unfinished condition would be somewhat lengthy and probably confusing to you, therefore, in order to be brief, I would state as follows:-

Officer Joseph Mulligan, then of the 12th Precinct, died on Feb. 24th, 1888, at which time he was attached to the 35th Precinct. This information was given by Mr. Stone, Clerk at Police Headquarters. We have located a brother of the deceased, namely George Nockin, of #239 Eighth Ave. He states that his brother was buried on Sep. 13th, 1888 in Woodlawn Cemetery; that his brother took dinner with him on the night of the murder and that he was called to his brother's house two hours later, and there saw his brother's body on the floor.

We have other clues which tend to locate one of the witnesses, but at this writing I am unable to give you a report, as our man assigned to the case, is at present on the matter, and, fearing that he may not return in time for Court, I send you this. If given a few days longer, I think we will be in a position to render a more definite report as to whether the witnesses are living or dead.

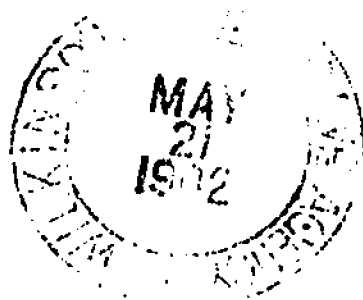
Yours very truly,

(Sd.) Thomas J. Lynch,  
Supt.

0646

Copy.

In re Nockin Murder Case.



May 12th, 1902.

Henry C. F. Nockin, 667 Columbus Ave., residence 51 E. 104th St.

Mrs. Huber, 129 W. 119th St.

Mrs. Englehard, Monticello, Sullivan County, N. Y.

General George Van Schack, 1 E. 120th St.

Dr. Krollefeifer, 130 E. 70th St. (p. m., also attends 72 St. Mark's place between 2 and 3 p. m., daily.)

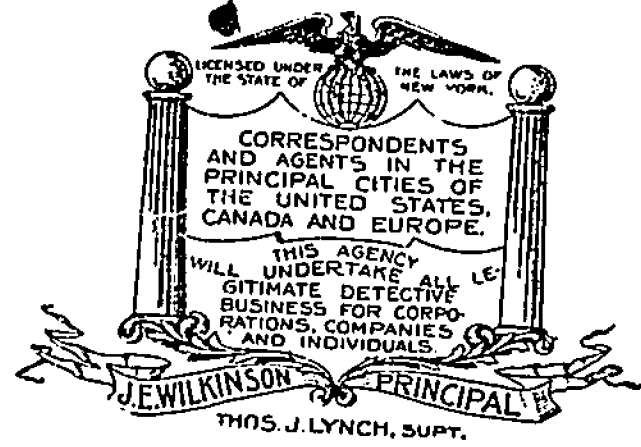
George Warner, who in '84 resided at 637 W. 42nd St., -471 Amsterdam Ave., between '82 and '83.

Otto Ernstein, 302 Bowery (saloon) residence 54 Rivington Street. This party claims to be well acquainted with and knows the present whereabouts of Mrs. Nockin and her step-daughter, from whom we expect to be able to ascertain the present whereabouts of one Albert Gagel, presumably residing with them (at that time) at 2126 Third Ave.

All attempts to locate John T. Henry have failed and the indications are that the man has either left the City or is dead.



0647



TELEPHONE CALL. 1287 CORTLANDT

## Wilkinson's Detective Agency

83 NASSAU STREET.

(BET. JOHN AND FULTON STREETS.)

*New York*

May 21st, 1902.

A. H. Purdy, Esq.,  
City.

My dear Sir:-

Enclosed herewith please find copies of papers in the matter which we recently had in hand for you, as per your request this a.m.

If there is anything further you require us to do, kindly let me know, and oblige,

Very truly yours,

0648

SIR:

Please take notice that the within is a copy of

in the within-entitled action this day duly entered and  
filed in the office of the Clerk of the

Dated, New York, 1901.

Yours, etc.,

PURDY & DELEHANTY,

Attorneys for

346 Broadway,  
New York City.

To

Attorney for

SIR:

Please take notice that

of which the within is a copy will be presented for settle-  
ment to Hon.

at

on the

day of

at

in the

noon

of that day.

Yours, etc.,

PURDY & DELEHANTY,

Attorneys for

To

Attorney for

AGAINST

Plaintiff

Theodore Brung

Defendant

Alfreda, Notice  
of Motion and  
Letters

Att. PURDY

Attorneys for

346 Broadway,  
Borough of Manhattan,  
CITY OF NEW YORK.

Due service of the within

is hereby admitted this

1901.

day of

Attorneys for

Filed May 23, 1902.

To

Attorney for



POOR QUALITY  
ORIGINALS

0649

Police Court, 1st District.

City and County } ss.  
of New York,

of No. 333 East 114th Street, aged 17 years,

occupation Grav. Clerk being duly sworn, deposes and says,

that on the 13th day of September 1888, at the City of New

York, in the County of New York, at premises No. 2126 3 Avenue

Theodore Bung (now here) }  
did unlawfully, feloniously, maliciously,  
premeditated and deliberately, with the  
intent to kill John A. and discharge  
one shot from a revolving pistol loaded  
with powder and lead, and then and  
there held in the hand of the said Bung,  
at the person of One Edolph J. Noecker  
the ball from said pistol striking  
and penetrating the body of the said  
Noecker in the left breast about two  
inches left of the nipple causing  
injuries from which the said Edolph  
Noecker died at or about the hour  
of 2 o'clock P.M. on said date  
I depose that the facts that the  
said Bung may be dealt with as the  
law directs

Sworn to before me } Albert Gazel  
this 13th day of September 1888 }

M. J. Kide

Police Justice

Albert

POOR QUALITY  
ORIGINALS

0650

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK ss.

5 District Police Court.

*Theodore Bunn* 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.

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 this  
day of

Police Justice.



0651

BAILED,

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

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

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

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

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

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

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

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

Police Court, 1609 District.

THE PEOPLE & c,  
IN THE COMPLAINT OF

Albert Hugel  
116 St + 3 Ave.

Theodore Bung.

2  
3  
4

Date September 13 1884

Charles M. Melle Magistrate.

Joseph Mulligan Officer.

12 Precinct.

Witness Theodore B. Frederick

No. 178 East 117 Street.

John G. Henry

No. 2016 3 Avenue Street.

George Warner

No. 637 West 42 Street.

\$ to answer

Committed to Answer.

With bail of \$.

J. B. Messner M. A. Coroner.

Offence of Harboring

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

guilty thereof, I order that he be held to answer the same and to be committed to the City Prison

and be committed to the Warden and Keeper of the City Prison

of the City of New York, until he be released by the City Prison

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

Dated September 13 1884

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

Dated September 13 1884

Police Justice.



0652

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

-----x

The people of the State of New York,

--against--

Theodore Bung,

Defendant.

-----x

It appearing from the annexed affidavit of Ambrose H. Purdy, duly verified on the <sup>28<sup>th</sup></sup> day of May 1902, that on the <sup>25<sup>th</sup></sup> day of April 1902, by an order of that date, made by the Honorable Joseph E. Newburger Justice presiding at the stated term of the Court of General Sessions, Part one thereof held in this county, Ambrose H. Purdy, attorney and counsellor--at-law was assigned to defend ~~that~~ above named defendant for the crime of murder in the first degree, and that he rendered services pursuant to such assignment, upon and in the defense and disposition of such indictment, I, the undersigned Justice presiding at the stated term of the Supreme Court, do ~~and~~ hereby certify that the sum of two ~~hundred~~ Dollars is a reasonable compensation for the services pursuant to such assignment, ~~and the sum of Thirty nine dollars and eighty seven cents (\$39.85), for expenses incidental and necessary for the proper preparation of the defence herein, making in all the sum of~~ two Dollars, and ~~whereby~~ direct that the said sum be paid to Ambrose H. Purdy, Esq., by the Comptroller of the City of New York, out of any funds applicable thereto, upon the presentation ~~and~~ delivery to him of this certificate.

Enter,

*Francis M. Scott*  
*J. C.*



0653

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

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

--against--

Theodore Bung,

Defendant.  
-----X

City and County of New York, ss:

Ambrose H. Purdy being duly sworn, deposes and says;

I am an attorney and counsellor-at-law. On the <sup>25<sup>th</sup></sup> day of *April 1902* the defendant Theodore Bung was arraigned before Justice Joseph E. Newburger, on an indictment charging him with murder in the first degree, in Part one of the Court of General Sessions. Thereupon and pursuant to the provisions of Section 308 of the Code of Criminal Procedure, an order was duly made, whereby I was assigned to defend the said defendant upon the said charge of murder in the first degree, and thereafter, and on the <sup>5<sup>th</sup></sup> day of *May 1902* by order of the Supreme Court, the said indictment was moved to this Court for trial; pursuant to such assignment and as such counsel, I have rendered services actual and necessary in the defence, and preparation for the defence of the defendant, and have incurred personal and incidental expenses necessary for the proper preparation of the defence as follows:

On being assigned as such counsel, I, in behalf of this defendant, entered a plea of not guilty with the specification that the defendant was insane at the time of the commission of the homicide. I examined and took a copy of the indictment, and the minutes and records of the coroner's inquest, and I ascertained from this investigation that the defendant was charged with the killing of one Adolph J. Nockin, on the 13th day of September 1884. And that afterwards, and on the <sup>22<sup>nd</sup></sup> day of October 1884, before Justice Cowing in the Court of General Sessions, and a jury, the defendant

0654

had been adjudicated as insane and not competent to advise counsel as to his defence, and on such adjudication, the defendant had been committed to the Hudson River State Hospital at Poughkeepsie, and from there had been transferred to the Asylum for Insane Criminals at Matteawan, and had remained there until the 22nd day of April 1902, when he was discharged from said Asylum as sane, by Justice Marean of the Supreme Court, County of Kings. I learned from my investigation that Albert Gagel, John T. Henry and George Warner were the actual witnesses to the homicide, and that Doctors Hardy and Fitch were the physicians on whose evidence the defendant had been pronounced insane. It became manifest to me at once, that the proper defence in this case was to establish the fact, if possible, that the defendant was insane at the time of the commission of the homicide, and <sup>not</sup> ~~was~~ responsible for his act. In order to do this, I of course, must inform myself of all the facts, not only as to the homicide itself, but as to any other facts possible to establish this defence.

On the 5th day of May the case was placed upon the calendar of this court for trial, but on my application it was adjourned for one week, as I was not then ready to proceed. As the homicide took place nearly 18 years ago, it required on my part a great deal of labor to locate and ascertain the whereabouts of the witnesses in the case; for that purpose and to aid me, I employed Wilkinsons' Detective Agency and together with two of their agents, I spent May 6th, 7th, 8th and 9th in the search over the City, and at various places where these witnesses had lived, in order to ascertain their whereabouts, or if dead, to get proof of their death. I ascertained that the witnesses Gagel and Warner were dead, but the witness Henry, although I made every search possible, I have not been able to locate. The officer in the case Joseph Mulligan, I also found from the police records at Headquarters that he was dead; Dr. Fitch one of the physicians who had



0655

examined the defendant at the time of the commission of the homicide was living; I had several interviews with him, and consulted with him about the case. In the mean time I had many interviews with the defendant himself in the City Prison. These investigations and searching for witnesses took almost my exclusive time of May 6th, 7th, 8th, 9th, 10th, 11th and 12th. On May 12th the day to which the case had been adjourned at my request, notwithstanding my efforts, I was not ready to proceed with the trial, and succeeded in getting the case adjourned to the 19th. On the 19th day of May 1902, I then made a motion before the court for the employment of Dr. Fitch, as an expert in the case, at the expense of the county. As I found that I could not possibly proceed with the trial without his testimony, the case itself was then adjourned to May 23rd. On the 19th, in court, the District Attorney stated to the court that he himself had been making investigations, and had ascertained that many of the witnesses for the prosecution in the case were dead. I ~~xxx~~ then supplied him with the reports of the detective agency that I had employed, and the facts that I had procured with regard to these witnesses, the case was thereupon adjourned to May 23rd 1902. From the statement of the District Attorney, and from the facts in the case, I then believed that on behalf of the defendant, it was my duty to move to dismiss the indictment against him. I thereupon consulted him, and prepared his affidavit, the whole history of the case, also my own affidavit as to the whereabouts of the witnesses, and served these affidavits upon the District Attorney with notice of motion, and thereupon on the 23rd day of May 1902, the day set down for the trial, I presented a motion to the court, together with the affidavits, and on my motion this indictment was dismissed and the prisoner discharged. The case being one of murder in the first degree, I regarded it as one of great importance; the defence being insanity at the time of the commission of

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the act, required careful preparation both on the facts and the law. In this investigation and preparation, I devoted my entire time from the day that the case was placed upon the calendar, May 5th 1902, until its final disposition May 23rd 1902. I believed and had every right to believe that the defendant would be placed upon trial for his life, and knowing that preparation is half of the battle, I considered it proper to leave nothing undone in getting the case entirely ready. I passed many hours in the prison with the defendant, questioning him with a view to his appearance on the witness stand, in his own behalf, believing that his own evidence in the case would be of the greatest importance. Of course, the fact that the case was not tried, somewhat diminished my labors, still owing to the very laborious preparation that I had made, the mere trial of the case would have been to me a very easy matter. I, however, congratulate myself on securing the liberty of this prisoner, whom I am firmly convinced was entirely innocent of the crime charged against him, but notwithstanding that fact, I cannot tell what the result of a trial might have been. I beg leave to attach to this my affidavit, the reports of the detective agency who aided me in this matter, also their bill of expenses, also the papers in the motions made in the case.

Wherefore I respectfully pray the court to make a reasonable allowance and compensation for the services I have rendered, as hereinbefore stated, and that an allowance be made for the expenses of the detective agency that I employed.

Sworn to before me this :

28<sup>th</sup> day of May 1902.

*Joseph A. Papp.*  
*Clerk of the Court*  
*New York*

*A. H. Pindy*



0657

TELEPHONE CALL. 1287 CORTLANDT.

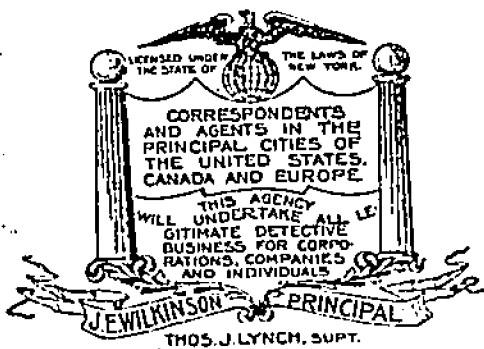
COPY

*New York*

May 17th, 1902.

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A. H. Purdy, Esq.



# To Wilkinson's Detective Agency Dr.

83 Nassau Street

(BET. JOHN AND FULTON STREETS.)

In the Matter of the People of the State of New York  
against Bung.

To Services of T. J. L., and E. G.

2 2 2  
May 6 -7-8-9 -10-11-12 ,  
5 1/2 days at \$6.00

\$33.00

Expenses of T. J. L., and E. G.

Carfares, telephone service, suppers,  
incidental expenses, etc.

6.85

Total

\$39.65

Received payment.

0658

Copy.

May 12th, 1902.

In the Matter of the People of the State of New York  
against Bung.

Henry C. F. Nockin, 567 Columbus Ave., residence 51 E. 104th St.

Mrs. Huber, 129 W. 119th St.

Mrs. Englehard, Monticello, Sullivan County, N. Y.

George Von Schack, 1. E. 120th St.

Dr. Krollfeifer, 130 E. 70th St. (p. m., also attends 72 St. Mark's Place  
between 2 and 3, p. m., daily.)

George Warner, who in '84 resided at 637 W. 42nd St., -471 Amsterdam Ave.  
between 1882 and 1883.

Otto Ernstein 302 Bowery (saloon) Residence 84 Rivington St.. This  
party claims to be well acquainted with and knows the present where-  
abouts of Mrs. Nockin and her step-daughter, from whom we expect to be  
able to ascertain the present whereabouts of one Albert gagel, presumably  
residing with them (at that time) at 2126 Third Ave.

All attempts to locate John T. Henry have failed, and the  
indications are that the man has either left the City or is dead.



0659

Copy.

New York, May 12th, 1902.

In the Matter of the People of the State of New York  
against Bung.

M E M O R A N D U M.

Mr. Lynch went to Court this morning (Part I, General Sessions), where he was joined by Mr. Purdy, who was representing one Bung charged with the murder of Adolph Nockin in 1884.

In response to Mr. Purdy's appeal, the case was set down for Friday morning (the 16th inst). Mr. Purdy promised to notify the Agency, in the event of his requiring anything further done in the matter.

0660

Copy.

May 12th, 1902.

In the Matter of the People of the State of New York  
against Bung.

A. H. Purdy, Esq.,  
City.

Dear Sir:-

In reference to the matter which we have in hand for you, concerning the location of witnesses in the Nockin murder case of Sep. 1884, I have to report that we have a mass of detail, which, in their present unfinished condition would be somewhat lengthy and probably confusing to you, therefore, in order to be brief, I would state as follows:-

Officer Joseph Mulligan, then of the 12th Precinct, died on Feb. 24th, 1888, at which time he was attached to the 25th Precinct. This information was given by Mr. Stone, Clerk at Police Headquarters.

We have located a brother of the deceased, namely George Nockin, of #239 Eighth Avenue. He states that his brother was buried on Sep. 13th, 1888, in Woodlawn Cemetery; that his brother took dinner with him on the night of the murder, and that he was called to his brother's house two hours later, and saw his brother's body on the floor.

We have other clues which would tend to locate one of the witnesses, but at this writing I am unable to give you the latest report, as our man, assigned to the case, is at present on the matter, and fearing that he may not return in time for Court, I send you this.

If given a few days longer, I think we will be in a position to render a more definite report as to whether the witnesses are living or dead.

Yours very truly,

(Sd.) Thomas J. Lynch,  
Supt.



0661

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

-----X

The People, etc.,

--against--

Theodore Bung,

Defendant.

-----X

HONORABLE WILLIAM TRAVERS JEROME,

PLEASE TO TAKE NOTICE that on the annexed affidavit of Theodore Bung, the defendant herein, and on the affidavit of Ambrose H. Purdy, I will move this Court, at Part One for the trial of Criminal Cases, on Thursday May 23rd 1902, at 10.30 in the forenoon of said day, or as soon thereafter as counsel can be heard for an order dismissing the indictment herein.

Yours, etc.,

Ambrose H Purdy,

Attorney for defendant.

Office and Post Office Address,

346 Broadway,

New York City.

0662

NEW YORK SUPREME COURT,  
NEW YORK COUNTY.

-----X  
The people, etc.,

--against--

Theodore Hugg,

Defendant.  
-----X

City and County of New York, ss:

Amrose H. Purdy being duly sworn, deposes and says;  
that he is the attorney for the defendant in the above entitled  
action, that on the twenty day of March 1902, I received ~~xxxx~~  
a letter from the defendant herein, which is herewith attached  
and marked Exhibit A. In response to said letter, I wrote to  
the defendant, and received from him about April 26th 1902, a 1c  
letter herewith attached and marked Exhibit B. I responded  
to said letter, and on April 26th 1902, I received another  
letter from the defendant marked Exhibit C. Then being satis-  
fied of the justice of the claim of the defendant that he was  
of sane mind, I prepared a petition based upon said letters,  
and after the investigation that I had made into the facts of  
his case, I applied for a writ of Habeas Corpus addressed to  
Justice, Baron of the Supreme Court, to bring the defendant be-  
fore the court in order to ascertain the fact of his sanity.  
On the return day of the writ, the defendant was brought before  
the said Justice in the Supreme Court, County of Kings, City  
of Brooklyn, and thereupon an investigation and examination  
of the defendant before the said Justice was had. As a result  
of said examination, Justice Maran thereupon pronounced him  
of sane mind, and thereupon committed him to the City Prison,  
to await a trial on this indictment. Thereupon on being assigned  
by Justice Newburger of the court of General Sessions, and on  
his arraignment on said indictment, I entered a plea of not  
guilty, with the specification that the defendant was insane



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at the time of the commission of the homicide. I thereupon began an investigation from which I learned, from the examination of the papers that Albert Gagel, John F. Henry and George Warner were the actual witnesses to the homicide. That as to the insanity of the defence the two doctors who testified to that fact were Doctors Hardy and Fitch; it became necessary for me in the proper preparation of the case to ascertain the whereabouts of the witnesses, and also to consult with the doctors who had seen the defendant at or near the time of the commission of the homicide, and who could testify as to his mental condition. I ascertained that Dr. Hardy was dead, but that Dr. Fitch was living, and I interviewed Dr. Fitch and refreshed his memory by an extract from the proceedings had at the original inquisition. In the mean time the case was placed upon the calendar of this court on the <sup>5th</sup> day of *May* 1902. The case was adjourned to the <sup>12th</sup> day of *May* 1902, and on that day I then appeared and the case was then adjourned until the 25th day of May 1902. The district attorney ascertained that many of the witnesses, in fact, all of the witnesses by which he expected to prove his case were either dead or could not be found. In the mean time, I in order to protect the interest of this defendant, had employed Wilkenson's detective agency, to assist me in ascertaining the whereabouts of the witnesses, because it became important for me on the defence of insanity to see them, and if possible, to get from them the facts bearing upon this defence; as a final result of my inquiries, I find, first; that the witnesses Gagel, Henry and Warner are dead, that the officer Joseph Mulligan is also dead; I ascertained these facts from my own personal investigation, and in addition thereto I am corroborated by the evidence of the detective employed by Wilkenson, detective agency, reports of which I herewith attach, as forming a part of my affidavit in this motion.

0664

WHEREFORE by reason of all the premises, and all the facts in the case, and in justice not only to the people, but to this defendant, I ask that the indictment herein be dismissed.

Sworn to before me this  
7th day of May 1902.

:  
:

A. H. Purdy

James H. Purdy  
Comm. of Fed.  
Circuit



0665

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

-----X  
The People, etc.,

--against--

Theodore hung,

Defendant.  
-----X

City and County of New York, ss:

Theodore hung being duly sworn, deposes and says;  
I am the defendant in the above entitled action. On the 13th day of September 1884, I was employed as a drug clerk for Adolph J. Hockin; for some reason that I am not able to define, I conceived the delusion that Mrs. Patton a sister of Rose Coughlan, the actress, desired to forcibly marry me. Mr. Hockin, my employer, was my friend, he endeavored to reason me out of this delusion, but I, instead of being convinced became satisfied that he, Hockin, was engaged in the conspiracy with Mrs. Patton to kidnap me and carry me forcibly away, to marry her. These allusions and delusions took entire possessions of my mind. I believe in them implicitly; I communicated with various police authorities, representing to them that I was being persecuted for this purpose. I of course, received no satisfaction, being regarded as a harmless lunatic.

On the day of the homicide when Mr. Hockin approached me, I then <sup>firmly</sup> ~~believed~~ <sup>me</sup> believed that he was about to seize and carry me forcibly away to have a marriage ceremony performed; I drew my pistol and shot my best friend. On being arrested, I was subsequently brought before Justice Cowing in the Court of General Sessions, and a Jury, and on the evidence of the doctors I was committed to the Hudson River State Hospital at Poughkeepsie, on the 22nd day of October 1884. An indictment was filed against me on the 3rd day of October 1884 in the Court of General Sessions, charging me with murder in the

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first degree. From the Hudson River State Hospital at Poughkeepsie, I was subsequently transferred to the Asylum for insane criminals at Matteawan, where I remained until the 22nd day of April 1902, when on a writ of Habeas Corpus, I was brought before Justice Harlan of the Supreme Court in Brooklyn, and thereupon was discharged as being sane, but committed to await the trial of this indictment. I now learn from my attorney Ambrose H. Purdy that all the witnesses to the homicide are either dead or cannot be found; it would be much better for me, in my judgment, if the case could be tried; I have no doubt of my ability to establish beyond all question the fact that at the time of the homicide I was sane. After 16 years incarceration in the asylum, I must now go forth to the world to earn a living. During all this long period, all my friends and relatives have passed away; I am willing to make any consents or to waive any possible rights to the proof of the homicide that if possible for me to do under the law. It would be very satisfactory for me to prove that the time of this most deplorable act, I was insane; there must always be by reason of it a cloud in my life. I am now 52 years of age, and of fair education, and have great hopes for my future. I am informed by my counsel that the district attorney is satisfied from his investigations, that it will be impossible for him to bring me to trial. I therefore, under his advice, ask that the indictment against me be dismissed, and that I be restored to my liberty. I am informed by my attorney, that notwithstanding all his efforts and also the efforts of a detective agency, that he employed, that as yet it has been impossible to ascertain the residence of Mrs. Mockin the widow of my friend, who lost his life by my hand. I shall however, if restored to my liberty, do everything possible to ascertain her residence, if living, and do anything in my power to repair the awful damage that I did her, when I unconsciously took the life of her husband, who was my best



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friend. In case she is in any need, and if its possible, I would gladly do anything for her to repair the terrible injury inflicted upon her. I cannot express to your Honor the great sorrow that I feel for the result of my insane act; I can only say that for the remaining years that may be left for me in this world, I will do everything that I can to repair the injury that I have done in taking the life of a respectable citizen.

Sworn to before me this  
21st day of May 1902.

*Leopold Bung*  
*Leopold Bung*  
*Comm. of Deeds*  
*N.Y.C.*

**SIR:**

Please take notice that the within is a copy of  
in the within-entitled action this day duly entered and  
filed in the office of the Clerk of the

U. S. Supreme Court

The People's

Plaintiff

Dated, New York,

Yours, etc.,  
PURDY & BARRA,  
PURDY & DELEHANTY,  
Attorneys for

346 Broadway,  
New York City.

T0

Attorney for

AGAINST

AGAINST  
*Shewell*  
*Pang*

*Defendant*

*Certificate Allow-  
ing Compensation*

**SIR:**

Please take notice that  
of which the within is a copy will be presented for settle  
ment to Hon.

GINDY & BARBA.

Attorneys for *Defendant*  
346 Broadway  
 Borough of Manhattan,  
CITY OF NEW YORK

at on at of t

day of  
in the  
noon

Due service of the within

is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ 1901.

Yours, etc.,  
**PURDY & DELEHANTY,**  
**PURDY & BARRA.**  
 Attorneys for

It

Attorney for

Attorney for:

Filed June 13/1902



0669

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

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

--against--

Theodore Bung,

Defendant.  
-----X

S I R:

PLEASE TO TAKE NOTICE that upon the annexed affidavit I shall make a motion in behalf of the defendant at a Term of this court, now pending in the Criminal Court Building, in the city of New York, Borough of Manhattan, on the 19<sup>th</sup> day of May 1902, <sup>at 10.30</sup> in the forenoon of said day, or as soon thereafter as counsel can be heard, that I, the counsel heretofore assigned by Justice Joseph E. Newburger of the Court of General Sessions to the defence of the above named defendant, be authorized and directed in my discretion to employ Dr. *Allen H. Fitch* the physician who examined the defendant at the time of the homicide to testify in behalf of the defendant, and for such other and further relief as in the premises may appear to be just and proper.

Dated, New York, May 17<sup>th</sup>, 1902.

Ambrose H. Purdy,

Attorney for defendant,

Office and Post Office Address,  
346 Broadway,  
New York City.

To

William Travers Jerome,  
District Attorney of the County of New York.

0670

NEW YORK SUPREME COURT.

NEW YORK COUNTY.

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

--against--

Theodore Bung,

Defendant.  
-----X

City and County of New York, ss:

Ambrose H. Purdy being duly sworn, deposes and says:  
I have been assigned by Justice Joseph E. Newburger of the Court of General Sessions, to act as attorney and counsel for the above named defendant, upon his defence for an indictment found against him in October 1884 by the Grand Jury of this County, which indictment charges him with the crime of murder in the first degree. I have investigated the facts in this case as thoroughly as by dilligent effort I could, and I have become satisfied that it is my duty under the said assignment to have one Dr. *Allen H. Fitch* who examined the defendant at the time of the homicide as to defendant's sanity, and it is necessary for the proper preparation and presentation of the defence that the said doctor testify in behalf of the defendant, the defence being that of insanity at the time of the commission of the homicide; the trial of this action has been set for May 19th, 1902, and I am satisfied and verily believe that in order to fully and justly present to the court on the trial of this action and defence of the defendant, it is absolutely necessary in the interest of justice that I should be permitted to have the assistance of the doctor who examined the defendant at the time of the commission of the homicide, on which the defendant has been indicted. I therefore, hereby apply to the Court for an Or-



0671

der authorizing me as counsel to the defendant assigned as aforesaid, in my capacity as such counsel to employ the Doctor who examined the defendant at the time of the commission of the homicide, and that this employment be at the public expense, viz, at the charge of the county of New York, for the purposes aforesaid.

Deponent further says that no application of this ~~sort~~ sort has been previously made by me, in behalf of the defendant to any Court or Judge.

Sworn to before me this  
14th day of May, 1902.

*Robert H. Apple*  
*County Clerk*  
*N.Y.C.*

:  
:  
*A. H. Pringle*

SIR:

Please take notice that the within is a copy of

in the within-entitled action this day duly entered and  
filed in the office of the Clerk of the

Dated, New York, 1901.

Yours, etc.,

PURDY & DELEHANTY,

Attorneys for

346 Broadway,  
New York City.

To

Attorney for

SIR:

Please take notice that

of which the within is a copy will be presented for settle  
ment to Hon.

at

on the day of

at

in the noon

of that day.

Yours, etc.,

PURDY & DELEHANTY,

Attorneys for

To

Attorney for

*N.Y. Supreme Court  
Criminal Term*

*The People vs*

*Plaintiff*

AGAINST

*Theodore Spang*  
*Defendant*

*Affidavit and notice  
of motion*

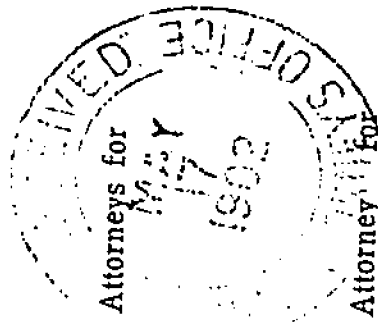
*Est. PURDY*

*Attorney for*  
*346 Broadway,*  
*Borough of Manhattan,*  
*CITY OF NEW YORK.*

Due service of the within

is hereby admitted this day of

1901.





0673

NEW YORK COURT OF GENERAL SESSIONS.

-----X  
The People, etc.,

--against--

Theodore Bung,

Defendant.  
-----X

To,

HONORABLE WILLIAM TRAVERS JEROME,

District Attorney, New York County.

S I R :

PLEASE TO TAKE NOTICE that on the annexed affidavit and upon all the proceedings herein, the undersigned will move this court, at Part One, on the 24th day of April 1902, at 10.30 A. M. or as soon thereafter as counsel can be heard, for leave to withdraw the plea of not guilty herein, and for such other and further relief as to the court may then and there seem just and proper.

Yours, etc.,

Purdy & Barra,

Defendant's attorneys,

Office and post office address,

346 Broadway,

New York City.

0674

NEW YORK COURT OF GENERAL SESSIONS.

-----X  
The People, etc.,

--against--

Theodore, Bung,

Defendant.  
-----X

City and County of New York, ss:

*one of* Ambrose H. Purdy being duly sworn, says that he is  
the attorney for Theodore Bung. Deponent further says that  
said Bung was indicted for the crime of murder in the first  
degree in October 1884 by the Grand Jury of this court. That  
he was arraigned on said indictment, and a plea of not guilty  
was entered, but shortly thereafter said defendant was duly  
adjudicated insane and committed to the insane Asylum, where  
he remained until the 22nd day of April 1902, when on pro-  
ceedings before Justice Josiah T. Marian, on a Writ of Habeas  
Corpus, he was discharged from said Asylum, and committed to  
the City Prison to await the action of this court.

Deponent further says that at the time of the en-  
try of the plea of not guilty in this case, the said Bung  
was undoubtedly insane and incompetent to know the nature  
of his plea or any other legal procedure.

WHEREFORE deponent asks that the said Bung may be  
allowed to withdraw his said plea of not guilty and take such  
other action in the premises as he then may be advised.

Sworn to before me this

22 day of April 1902.

:  
:

*A. H. Purdy*

*Respectfully  
Submitted  
J. J. [Signature]*



0675

SIR:

Please take notice that the within is a copy of

in the within-entitled action this day duly entered and  
filed in the office of the Clerk of the

Dated, New York,

1901.

Yours, etc.,  
PURDY & BARRA,  
PURDY & DELEHANTY,  
Attorneys for

346 Broadway,  
New York City.

To

Attorney for

SIR:

Please take notice that

of which the within is a copy will be presented for settle  
ment to Hon.

at

on the

day of

at

in the

noon

of that day.

PURDY & BARRA,  
PURDY & DELEHANTY,  
Attorneys for

To

Attorney for

*P. Purdy & Barra  
Deleahanty*

*The People vs*

Plaintiff

AGAINST

*Theodore S. Stry*

Defendant

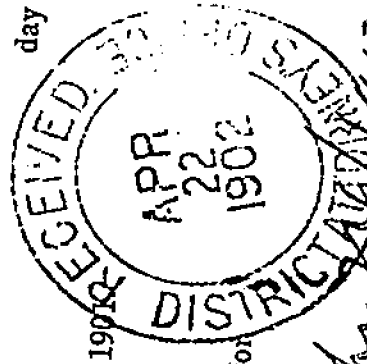
*Attorneys &  
Notice of Motion*

PURDY & BARRA,  
Attorneys for  
346 Broadway,  
Borough of Manhattan,  
CITY OF NEW YORK.

Due service of the within

is hereby admitted this

day of



Attorneys for

To

Attorney for

*(M. Stry)*

0676

FOL. 1.

At a Criminal Term, Part I, of the Supreme Court of the  
State of New York, held in and for the Connty of  
New York at the Criminal Courts Building in the  
Borough of Manhattan, of the said City of New  
York on the 5<sup>th</sup> day of May, 1902

Present,

HONORABLE

*Francis M. Scott*  
Justice.

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

*Theodore Bung*

It appearing in the opinion of this Court, that it is proper that the indictment  
hereinafter named be tried herein.

Now, on motion of Wm. Travers Jerome, District Attorney of the County of New  
York, it is

FOL. 2. **ORDERED**, that the indictment found in the Court of General Sessions

of the Peace of the City and County of New York on the 3<sup>rd</sup> day of  
October 1884, against the above-named defendant *Theodore Bung*

for the crime of *Murder in the First Degree*  
be and the same is hereby removed into the Supreme Court of the State of New York in  
and for the County of New York.

*Francis M. Scott*  
Justice of the Supreme Court.



NEW YORK SUPREME COURT,  
COUNTY OF NEW YORK.

---

THE PEOPLE OF THE STATE OF  
NEW YORK

*against*

*Theodore Bunting.*

---

ORDER OF REMOVAL OF  
INDICTMENT.

---

WM. TRAVERS JEROME,  
DISTRICT ATTORNEY,  
CRIMINAL COURT BUILDING,  
BOROUGH OF MANHATTAN,  
NEW YORK CITY.

0677

0678

*Theodore Burg*

At a Special Term, ~~Part II~~ <sup>Kings</sup> of the Supreme Court,  
held in and for the County of New York, at  
the County Court House, in the City of New  
York, Borough of ~~Manhattan~~ <sup>Brooklyn</sup>, on the 22<sup>nd</sup>  
day of April 1902.

Present,

Honorable

*Josiah T. Mearns,*

Justice.

THE PEOPLE OF THE STATE OF NEW YORK,  
Ex. rel., *Theodore Burg* Relator,  
against  
*H. E. Allison, Medical Super-*  
*intendent, Matteawan State*  
*Hospital,* Respondent

Upon reading and filing the petition of *A. H. Purdy* verified the 17<sup>th</sup>  
day of April 1902, the writ of habeas corpus and the writ of certiorari duly allowed  
herein by the Honorable *Josiah T. Mearns*, on the 17<sup>th</sup> day of April  
1902, the return to said writ of habeas Corpus duly made by *H. E. Allison, Medical*  
*Superintendent, Matteawan State Hospital,*  
with a true copy of the commitment therein recited, and the return to said writ of certiorari duly  
made by ~~and the traverse to said returns, and the said~~  
relator having been duly produced in open court in obedience to said writ of habeas corpus.

And after hearing *A. H. Purdy* of counsel for the relator, in  
support of said writ, and *Henry G. Gray,* Deputy Assistant District  
Attorney, in opposition thereto,

*Purdy and Berry, attorneys for relator,*  
Now, on motion of *Wm. Travers Jerome,* District Attorney of New York County, it is  
ORDERED that the said writs be and the same hereby ~~are dismissed,~~ <sup>is sustained,</sup> and, it is

FURTHER ORDERED that the said relator be and he hereby is remanded to the custody  
of the ~~said respondent.~~ *Warden of the City Prison to await*  
*proceedings on an indictment for Murder*  
*in the first degree, filed Oct. 3<sup>rd</sup> 1884,*

Enter *J. T. H.*

Granted

April 22-1902

*Chas T. Harshbarger,*

Clerk

Copy, *Chas T. Harshbarger,*  
clerk



SIR:—

**Please take Notice** that the within order will be presented for settlement to the Honorable

one of the Justices of the within-named court, at the County Court House, in the Borough of Manhattan, City of New York, on the

day of 190 , at 10.30 o'clock in the forenoon, or as soon thereafter as counsel can be heard.

New York,

190

Yours, etc.,

WM. TRAVERS JEROME,

*District Attorney,*

NEW YORK COUNTY.

To :

*Attorney for Defendant,*

SIR:—

**Please take Notice** that an order of which the within is a copy was made herein on the day of 190 , and was on said day entered in the office of the Clerk of said County.

New York,

190

Yours, etc.,

WM. TRAVERS JEROME,

*District Attorney,*

NEW YORK COUNTY.

To

*Attorney for Defendant,*

**NEW YORK SUPREME COURT,  
COUNTY OF NEW YORK.**

THE PEOPLE OF THE STATE OF  
NEW YORK,

*Ex rel., Theodore Burg Relator,  
against*

*H. S. Allison, Medical  
Superintendent,  
Matterman State  
Hospital*

*Respondent.*

**ORDER**

**Granting Writs of Habeas Corpus and  
Capias.**

WM. TRAVERS JEROME,

*District Attorney,*

CRIMINAL COURT BUILDING,

BOROUGH OF MANHATTAN,

NEW YORK CITY.

0680

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Theodore Bump*

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

*Theodore Bump*

committed as follows:

—of the crime of murder in the first degree,

The said *Theodore Bump* —  
late of the *First* — Ward of the City of New York, in the County  
of New York, aforesaid, on the *thirteenth* day of *September*,  
in the year of our Lord one thousand eight hundred and eighty-*four*,  
at the Ward, City and County aforesaid, with force and arms, in and upon one

*Abdullah Nadain* —

in the peace of the People of the State of New York, then and there being, wilfully,  
feloniously, and with a deliberate and premeditated design to effect the death of *him*  
the said *Abdullah Nadain*, did make an assault, and the said  
*Theodore Bump* a certain *revolver* then and  
there charged and loaded with gunpowder and one leaden bullet, which said  
*revolver*, the said *Theodore Bump* in his right hand then and  
there had and held, to, at, against, and upon the said *Abdullah Nadain*  
then and there feloniously, wilfully, and with a deliberate and premeditated design to  
effect the death of the said *Abdullah Nadain*, did shoot off  
and discharge, and the said *Theodore Bump*, with the  
leaden bullet aforesaid, out of the *revolver* aforesaid, then and there, by  
force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the  
said *Abdullah Nadain*, in and upon the *breast* of the said

*Abdullah Nadain*, then and there feloniously, wilfully, and with a deliberate  
and premeditated design to effect the death of *him* the said *Abdullah Nadain*  
did strike, penetrate, and wound, giving to *him* the said *Abdullah Nadain*  
then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth,  
and shot out of the *revolver* aforesaid, by the said *Theodore*

*Bump* — in and upon the *breast* of *him* the said  
*Abdullah Nadain*, one mortal wound of the breadth of one inch,  
and of the depth of six inches, of which said mortal wound *he* the  
said *Abdullah Nadain* at the Ward, City and County

aforesaid, from the said *day of*  
in the year aforesaid, until the *day of*  
in the same year aforesaid, did languish, and languishing did live, and on which  
said *day of*  
in the year aforesaid, the said *Abdullah Nadain* at the Ward,  
City and County aforesaid, of the said mortal wound did die.

*And he is now dead.*



0681

And so the Grand Jury aforesaid do say that the said *Theodore Bunge* the said *Adolph J. Nathan*, in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of *him* the said *Adolph J. Nathan* did kill, and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT: And the Grand Jury aforesaid, by this indictment, further accuse the said *Theodore Bunge* —

of the CRIME OF murder in the first degree, committed as follows:

The said *Theodore Bunge* — late of the *First* Ward of the City of New York in the County of New York, aforesaid, afterwards, to wit: on the *nineteenth* day of *September* in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms, in and upon one

*Adolph J. Nathan* — in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and of *his* malice aforethought, did make an assault, and ~~the~~ the said *Theodore Bunge*, a certain *pistol* then and there charged and loaded with gunpowder and one leaden bullet, which said

*pistol* — the said *Theodore Bunge* in *his* right hand then and there had and held to, at, against, and upon the said *Adolph J. Nathan*, then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and discharge, and the said

*Theodore Bunge*, with the leaden bullet aforesaid, out of the *pistol* aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said *Adolph J. Nathan*, in and upon the

*breast* — of *him* the said *Adolph J. Nathan*, then and there feloniously, wilfully, and of *his* malice aforethought, did strike, penetrate, and wound, giving to *him* the said *Adolph J. Nathan* then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the *pistol* aforesaid, by the said

*Theodore Bunge*, in and upon the *breast* of *him* the said *Adolph J. Nathan*, one mortal wound of the breadth of one inch, and of the depth of *six* inches, of which said mortal wound *he* the said *Adolph J. Nathan* at the Ward, City, and County aforesaid, from the said day of

~~in the year aforesaid, until the~~ day of

~~in the same year aforesaid, did languish, and languishing did live, and on which~~ day of

~~in the year aforesaid, the said~~ at the Ward, City and County aforesaid, of the said mortal wound did die. *when and there died.*

0682

And so the Grand Jury aforesaid, do say that *in* the said *Frederick*  
*Donner*  
the said *Frederick Donner*, in the manner and form, and by  
the means aforesaid, at the Ward, City and County aforesaid, on the day aforesaid, and  
in the year aforesaid, wilfully, feloniously, and of *his* malice aforethought,  
did kill, and murder, against the form of the Statute in such case made and provided,  
and against the peace of the People of the State of New York and their dignity.

PETER B. OLNEY,

JOHN McKEON, District Attorney.



0683

BOX:

152

FOLDER:

1562

DESCRIPTION:

Burgess, Thomas

DATE:

10/27/84



1562

0684

Witnesses:

David Blocker  
Off. Capt  
Amst. Squad

166 Blarck  
Counsel,  
Filed day of 1884  
Pleads No Guilty.

THE PEOPLE  
vs.  
Thomas Binger  
Grand Larceny 2<sup>d</sup> degree  
[Sections 528, 529, 530 Penal Code]

PETER B. OLNEY,  
District Attorney.

A True Bill.

Jonas B. Kissam  
Foreman  
Mar 3/94  
Alfred C. L.  
Sen. Grues  
F. J.



0685

Police Court—

18<sup>th</sup> District.

Affidavit—Larceny.

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

David Blocker

of No. 80 Henry

Street, aged 78 years,

occupation Peddler

being duly sworn

deposes and says, that on the 20 day of October 1884 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and from deponent's person  
of deponent, in the day time, the following property viz :

One neck tie of the value of ten  
Cents.

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Thomas Burgess (now here)

from the fact that deponent saw  
said defendant snatch said property  
from a box there and there held in deponent's  
hand and ran away with the same

Wm. H. H. H. H.

Sworn to before me this 20 day of October 1884  
Police Justice.

0686

Sec. 198—200

CITY AND COUNTY }  
OF NEW YORK, } ss.

1 District Police Court.

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

Question. What is your name?

Answer. *Thomas Burgess*

Question. How old are you?

Answer. *22 Years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *Tremont House about 3 weeks*

Question. What is your business or profession?

Answer. *Engineer*

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*  
*Thomas Burgess*

Taken before me this  
day of *Oct* 188*4*

*[Signature]*  
Police Justice.



0687

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

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

Dated *20 Oct* 188 *[Signature]* Police Justice.

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

Dated 188 *[Signature]* Police Justice.

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

Dated 188 *[Signature]* Police Justice.

0688

Police Court--*First* District. *1690*

THE PEOPLE, & c ,  
ON THE COMPLAINT OF

*David Klocked*  
*80 Henry St*  
*Thomas Burgess*

1  
2  
3  
4

*Officer*  
*Larson*  
*from person*

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street

No. 4, by .....  
Residence ..... Street.

Dated *20 October* 188 *4*

*P. H. Duffy* Magistrate.

*Robert Vail* Officer.

*LA 5* Precinct.

Witnesses .....

No. .... Street.

No. .... Street.

No. *307* Street.

\$ *to answer*



0689

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Thomas Smagers*

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

*- Thomas Smagers -*

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

The said *Thomas Smagers*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*fourteenth* day of *October* in the year of our Lord one thousand  
eight hundred and eighty *four*, in the *day* time of the said day, at the Ward, City and  
County aforesaid, with force and arms,

*one neck tie of the value of*

*ten cents,*

of the goods, chattels and personal property of one *David Blacked-*  
on the person of *the said David Blacked-*  
then and there being found, from the person of the said *David Blacked-*  
then and there feloniously did steal, take and carry away, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their dignity.

*Peter B. O'Meara*  
*District Attorney*