

0713

BOX:

356

FOLDER:

3355

DESCRIPTION:

Irwin, John Arthur

DATE:

06/10/89



3355

0714

BOX:

356

FOLDER:

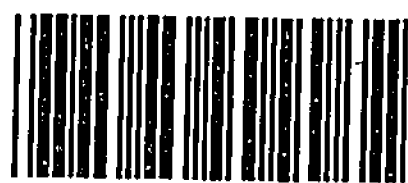
3355

DESCRIPTION:

Ferguson, Frank

DATE:

06/10/89



3355

0715

BOX:

356

FOLDER:

3355

DESCRIPTION:

Hance, Irwin H.

DATE:

06/10/89



3355

POOR QUALITY
ORIGINAL

0716

Bail fixed at
\$500 R.P.S.

Witnesses:

The depts Ferguson & Haines were
invited to attend the autopsy by the
depts Davis, Ferguson as an expert
pathologist and Haines to take notes.
Under the circumstances therefore
I recommended the disavowal of
the indictment as against
depts Ferguson and Haines.
Dec. 22. 93

Delaney, Haines
discharged

Nov 1-2 & 3 Bailed

by Thomas A. McEntyre
19 West 73d St

Said counsel notice

W. C. H. McCrean

1006 Broadway

when this case goes
on calendar) starts

(J. H. Randall)

29 & May

Counsel,

Filed

Pleads,

day of Sept 1889

THE PEOPLE

vs.

John Arthur Brown

Frank Ferguson

Irwin H. Haines

JOHN R. FELLOWS,

District Attorney.

Sub. 3, Decem. 29, 93
Apr 28. 93.

On receipt of sub. 3, and after examining
the original, signed by the depts Haines and
Ferguson.

A TRUE BILL.

Filed. Indict. dis. depts Ferguson &
Haines. R.P.H.

J. L. Coll.

Set 2 - June 29, 1890.

trial and jury dis. 30

9c

POOR QUALITY
ORIGINAL

0717

COPY.

EDITORIAL.

The British Medical Journal.

SATURDAY, JUNE 22ND, 1889.

THE CASE OF MR. BISHOP.

DR. IRWIN, who performed the *post-mortem* in the case of the late Mr. Bishop, and who has in consequence been made the subject of much public attack of an apparently violent and unreasonable kind, is an English Physician of great ability and sound judgment, who has held responsible positions in this country. He is an M.A. of Cambridge, and an M.A. and M.D. of the Dublin University, and Member of the Royal College of Surgeons of England. He was formerly house surgeon at the Royal Free Hospital, and subsequently assistant medical officer of the Salop and Montgomery Counties Asylum, and physician to the Manchester Southern Hospital for Women and Children. He is a man of great strength of character and capacity, and not likely to have been misled in the performance of his duty in such a case.

COPY.

EDITORIAL.

THE MEDICAL RECORD:

New York, October 1889.

News of the Week.

RESOLUTIONS OF SYMPATHY FOR IRWIN, FERGUSON, AND HANCE.—At the recent Meeting of the Society of Medical Jurisprudence and State Medicine, a resolution was unanimously passed denouncing the unjust persecution of Drs. Irwin, Ferguson, and Hance in the Bishop autopsy matter, and expressing sympathy with, and confidence in, these gentlemen. This is as it should be, and is in perfect accord with the sentiment of the profession here and abroad. These gentlemen are beyond the suspicion of wrong-doing, the charges against them are absurd, and the proper thing for the prosecuting parties would be to exonerate the defendants promptly and effectually. Let us have an end to this uncalled-for and unjust persecution.

POOR QUALITY
ORIGINAL

0718

The World.

THURSDAY, MAY 30, 1889.

A Coroner's Jury has declared that the late WASHINGTON IRVING BISHOP was dead at the time Dr. Irwin held his autopsy. The hysterical and the malicious people who have advertised themselves in connection with this sad affair should now subside.

THE AUTOPSY NOT A MURDER

Such Is the Verdict of the Coroner's Jury—
Dr. Spitzka and Other Experts on Catalepsy.

Dr. Spitzka knew of only two cases of death, such as this, from coma following hystero-catalepsy, and in each of the other cases the same lesions, namely, minute hemorrhages about the base of the brain, and in the medulla had been found. This really made the third such case on record, and the diagnosis on the death certificate exactly corresponded with the facts.

Allan McLane Hamilton gave similar testimony. He said that in a case like Bishop's a speedy autopsy would be very desirable.

The World.

TUESDAY, JUNE 11, 1889.

A Grand Jury has indicted Drs. Irwin, Ferguson and Hance for the misdemeanor of holding an autopsy upon the late mind-reader, W. L. Bishop in an informal way. The Coroner determined the question that Mr. Bishop was not vivisectioned. This petty prosecution is evidently inspired by malice.

The World.

WEDNESDAY, JUNE 12, 1889.

Dr. Irwin and his associates who scientifically cut up the late WASHINGTON IRVING BISHOP, have been made the victims of much malignancy on the part of enemies and much sensational persecution upon the part of hysterical people anxious to advertise themselves. The indictment of these gentlemen is a part of the trifling procedure, and while it means annoyance, it means nothing serious. The machinery of the District-Attorney's office is undoubtedly being used for malicious ends. The standing of Dr. Irwin and his associates is sufficient to convince an intelligent public that their violation of the law in this case was purely technical. The professional status of these gentlemen cannot, and will not be affected by the annoyance to which they are now being subjected.

The Sun.

FRIDAY, MAY 17, 1889.

T. Brigham Bishop said to THE SUN reporter:

"I have known my cousin since he was six years old, and I am glad that the autopsy was made. As the male representative of the Bishop family here, I want to say that I think Dr. Irwin's action in the matter has been entirely honorable, and that the charges of murder and brutality which have been thoughtlessly hurled at him are unfounded. Dr. Irwin has known W. Irving Bishop for the last ten years. Irving has several times asked Dr. Irwin to see that an autopsy was made when he died, as he thought there was something peculiar about his brain."

The Sun.

THURSDAY, MAY 30, 1889.

THE DOCTORS SUSTAINED.

A CORONER'S JURY FINDS THEY DIS-
SECTED BISHOP IN GOOD FAITH.

Expert Testimony as to the Probable Cause
of the Mind Reader's Death Falls to
Support the Charge of Homicide.

When the inquest into the cause of W. Irving Bishop's death was resumed by Coroner Levy at the City Hall yesterday, Dr. Edward C. Spitzka testified as an expert, described the symptoms of hystero-epilepsy and hystero-catalepsy.

"How long after death does the brain begin to decompose?"

"It is not fit for examination in warm weather six hours after death."

"How soon after death would you want to make an autopsy?"

"My preference would be to make it within an hour."

In describing the various symptoms which follow hemorrhage in the medulla, he named those which Dr. Irwin had named at his examination on Tuesday as accompanying Bishop's attack at the Lambs' Club. In conclusion the witness said that, if he himself had been in attendance at the death of a cataleptic patient, and had determined that death had taken place, he would make the autopsy, if possible, within two hours.

Dr. Irwin, being recalled for cross-examination, said he had the autopsy made in order to determine more minutely the cause of death, and not because he expected to find anything peculiar or wonderful in Bishop's brain.

Dr. Ferguson, who made the autopsy in the case of Bishop at the instance of Dr. Irwin, and has made over 3,000 others, said the lesion at the origin of the pneumo-gastric nerve was sufficient to cause death, and that, other causes not being considered, the diseased condition of the kidneys was sufficient to cause death.

(Drs. Spitzka and Hamilton were called by the Coroner as the chosen witnesses of Mrs. Bishop.)

POOR QUALITY
ORIGINAL

0719

NEW YORK HERALD

NEW YORK, THURSDAY, MAY 30, 1889.

Dr. Irwin and the physicians associated with him in the now famous Bishop autopsy have been fully exonerated by the Coroner's jury which investigated the cause of the mind reader's death. It is clear from the evidence that life was extinct when the surgeon's knife came into play. That at least was to be hoped for from the beginning of this case. A contemplation of the mere possibility of such a crime as the slaying of a man by those whose business it is to guard life filled the public mind with horror.

In their verdict the jury admitted that the medical men acted in perfect good faith.

BISHOP'S DEATH EXPLAINED.

THE DOCTORS TESTIFY THAT THERE ARE ONLY TWO SIMILAR CASES ON RECORD.

Dr. Edward E. Spitzka, who was the first witness, explained the symptoms of epilepsy, hystero-catalepsy and coma.

Dr. Spitzka confirmed Dr. Irwin's diagnosis, and said Bishop died of coma following hystero-catalepsy. He added that there were but two cases recorded of such a death. This was rather a triumph for Dr. Irwin, inasmuch as he had assigned this cause of death when he put his name to the original death certificate.

NEW YORK HERALD

NEW YORK, WEDNESDAY, JUNE 12, 1889.

Why?

Mayor Grant is justly indignant at the refusal of the Grand Jury to find indictments against the electric light companies for stringing wires and hanging lamps without permits.

The action of the companies is a clear violation of the law. Their conduct is criminal as well as defiant. There is no lack of evidence against them. Yet the grand Jury refuses to call them to account.

This is in strange contrast with the action of the same body in finding indictments against three reputable physicians of standing in the Bishop matter. Nobody questions the sincerity or motives of these medical gentlemen. Their offence was merely a technical one.

Why are they so promptly indicted while the graver charge against the electric light offenders is dismissed?

POOR QUALITY
ORIGINAL

0720

833. DeKalb Avenue -

Brooklyn - New York -

September 7 - 1891

To

Honorable Delany Nichol

~~District~~ Attorney of New York State

Dear Sir -

September has come - and
it is now the never to be forgotten seventh
The day (or rather evening) I was married
in Grace Church, corner of 10th Street & Broadway
New York in 1854 - Alas! the contrast then
and now is too painful to contemplate
I was then a happy bride, fifteen
years and three days old - surrounded
as you are now with innumerable
summer friends who threw rare
flowers in my pathway (as I was a
millionaire) - whereas now, they permit -

POOR QUALITY
ORIGINAL

0721

21

me to walk unheeded on thorns,
My poor feet are cut - bleeding, and
swollen - as my boots are like
unto many in this hard cold world,
Soulless (Soleless) - In fact my
sorrows are enough to make
the angels weep - and if there were
more noble women in this city
like unto your peerless sainted
Mother - whom you worshiped -
My deep sufferings would be
at least temporarily alleviated - Alas!
God, calls His chosen ones from
this world of strife - She is at
rest with my devoted son in that
beautiful home, where they
await to fold us to their
kind embrace, once more -
Where I now is a stranger -

POOR QUALITY
ORIGINAL

0722

3

I had fondly hoped my case against
the disbarred lawyer Samuel H. Randall,
would have been decided before the
Honorable Judge in the Supreme Court-
but Randall produced such a pile
of letters, & manufactured evidence that
the Judge (Hon Judge M^r Adam) sent
the case to a Referee, named Mr Ridgway
of Broadway New York - Alas! how can
I pay the expenses which will accrue
for Referee fees &c - ? May God guide
his heart to give me justice - I
understand since Mr Ridgway
is an uncle to the Brooklyn
District Attorney - What must I do
without money? Will you please
send me an note appointing
an interview, with me, relative
to the trial of the murders of my

POOR QUALITY
ORIGINAL

0723

4

7

only child - as it is so far for me
to walk, from here to your ^{on an uncertainty} office -
and I have not the means to ride -
I know you are overwhelmed with cares -
but you promised, & I know you will
fulfil your word & try these so called
"Doctors" - the real Jack the Rippers of
America - who murdered my noble Irving
whose heart & purse, were ever open,
to the wants of suffering humanity -
never dreaming, his poor mother
would be permitted to suffer -
I read in the world that the Chief
Murder, of the maker - Doctor Ferguson
had arrived with his bride (the Armour
of Chicago - the butcher's daughter) -

Oh! how can he be happy,
knowing he has deprived me
of a living - & only child -

POOR QUALITY
ORIGINAL

0724

5 - Yet - I trust God will give me
justice through you -

1st Punish the murderers of my idol -

2^d Compell the Boston District
Lawyer Samuel H. Randall to deliver
up an important paper he stole from
an innocent administrator the poor
orphan boy of the late worthy Mother
of the City - Tombs - Moreover Randall
says you never intend to try the
Suits - and that you are a mere
child, in law matters - and incompetent
to hold the important position
of District Attorney - and that
he defies Recorder Smythe - and
all the Judges - he even called
my present Counsellor "a Vampire"
in Court before Honorable Judge
M^r Adams - It is a foul blot -

POOR QUALITY
ORIGINAL

0725

6
upon the American Republic to
allow such black mailers as said
Samuel H. Randall to soil the
sacred grounds of our Courts -
where the laws are grand
in their enactment - but become
rotten in their administration,
the moments they are touched
by the polluted hands or tongue
of Samuel H. Randall - Please
tell me how to present a petition
to the Supreme Court for the disbarment
of said Randall - and thereby purify
the Courts a little - I have the
proofs in a paper of Randalls
disbarment in Boston Mass,
signed & sworn to by Judge
Bingham of the Supreme
Court of Boston in 1864 -

7.

for the following unpardonable sins -
1st Barratry -

2^d Robbing the widows & orphans -

3^d Defrauding the brave soldiers
out of their bounty money - and
leaving their dear ones to starve
while they fought upon the
battle field, for posterity the
honor of this Land of Liberty -

Samuel H. Randall calls his disbarment
"Ancient History" - Yet he takes good
care to take out a modern edition
here in New York, which is heavily
bound with his continued crimes.
And although it is a fact that he
was disbarred - he actually committed
perjury - a few weeks ago in a
case before Honorable Judge
Paxon and a jury - where he

POOR QUALITY
ORIGINAL

0727

8

swore under oath that he had never been dishonored - and never had there ever been an attempt to dishonor him -" The said case was where Rondall sued a client for \$25,000 fee - and the poor deluded jury, awarded Rondall eleven thousand & one hundred dollars - But - The opposite party have appealed - The names of the lawyers against Rondall - are Honnell ^{Wheeler} Judge, Peckham of 80 Broadway - and lawyer Ther R. Shea of Dupel Building - N.Y. Further more Rondall has black-mailed two of the most celebrated Republicans, out of money - One of said Republicans has raised three millions to secure the election of his party - for our next President. -

POOR QUALITY
ORIGINAL

0728

89

Alas! Randall calls himself
a staunch Republican - and
glories in delivering bombastic
speeches, against the Democrats.
Would that some one would
enable me to deliver political
lectures - I would even expose
the Wolves in Lambs Clothing -
and tell some startling truths,
which would sway every
virtuous man's vote into
the right box - However -
as it is, I implore you - in your
idolized Mother's name, - to protect
my suits if possible, now in
the Referee's hands - and above
all, shield the property which
you Mrs Sarah Ann McAliff
The late most worthy Mother of

POOR QUALITY
ORIGINAL

0729

10

the City Tombs (or prison, (and whose
body was found floating in the East
river on the 2^d of January 1890 -) worked
hard for, in that damp dismal prison,
and left to her two sons, John and
Thomas J. McAniff - who never tried
Randall - yet he has attacked all
their property - & sent in a bill of
\$85000 more for Counsel fee - &
is now manufacturing false evidence
to which he compels his lazy son
Harry Randall - and his men
of dirty work and crimes - named
Connolly to sign & swear to -
Randall says he will take all
I am entitled to, even the
jewels now in Supreme Court
safe, of which my angel boy
gave me a bill of sale now in
my possession -

POOR QUALITY
ORIGINAL

0730

11

Save Oh! save me my darlings last
loving gifts - and save them
from going into impure hands -
I do not know Mr Ridway -
the referee - to whom Honorable
Judge Mr Adams has referred said
Case of Bishop - & Mr Ancliffe
vs Randall - nor do I know
Judge Mr Adams - neither was
I in Court when said motion
was argued - And above all
save the poor orphans from being
rotted by their terrible being
unworthy of the name of Man -
Called Samuel H. Randall -
and thereby secure the blessings
of the sacred dead & living, including
your sad but worthy petitioner
Eleanor Fletcher Bishop
833. Dekalb Avenue. Brooklyn N.Y.

POOR QUALITY
ORIGINAL

0731

833 DeKalb
Avenue Brooklyn
New York
Dec 24/91

May you and
your dear wife,
Mr Nichols, have
as merry X mass
as mine will
be Dad - Here
am I patiently
waiting for

POOR QUALITY
ORIGINAL

0732

for you to keep
your sacred
promise in the
memory of your
angel mother,
to try the murderers
of my only child -
when if he can
see me from
heaven, will
weep - as I am
homeless, penniless
sick & unable
to pay for doctor

or medicine -
I did succeed
in procuring a
pretty home in
227 - E 14 Street
in partnership
with ~~the~~ Mrs Sayer
but indulged too
freely with whiskey
& I withdrew -
as I prefer a
crust in peace
& purity - than
a feast in
vice & luxury -

POOR QUALITY
ORIGINAL

0733

Now the landlord
Judge James M.
Smith of Times
Building New York
says I can have
another of his
flats in 229 E
14 Street New York
Therefore, may
I ask you &
your dear wife
to loan
me sufficient
to pay one

POOR QUALITY
ORIGINAL

0734

Months rent³
& furnish one
parlor - hire
a piano -
so that I can
commence to
earn my bread
as I have two
pupils waiting
to take lessons
in Elvinton
& Music -

POOR QUALITY
ORIGINAL

0735

I would pay
you back very
soon - as for
the back rooms
I will convert a
barrel for a table
& a box for a
seat, & a clean
bundle of straw
will be good
enough for
me to sleep upon

until I earn money
to furnish & rent
them - and dry
bread & water
good enough
to keep me alive
on until you
get ready to
try the murders
of my darling
child - Believe
me Mr Newlands
all are saying
you are only
fooling me

POOR QUALITY
ORIGINAL

0736

and that you
will never bring
the doctor's
trial" - But
I say you will -
as you are
unimpeachable
and they cannot
write you -
I met your
cousin at
my friends
Mr & Mrs Towne
in Clinton St. *Bury*

POOR QUALITY
ORIGINAL

0737

Brinkley (9)
& she can
tell you
I depended
on her -
I did not
know you
had a relation
present -
However time
will prove
all things -

POOR QUALITY
ORIGINAL

0738

and as you
do unto me,
God will do
unto you &
your dear
Mother will
bless you
In his holy
Name I implore
you to send
me a check
& save my life

I am your
worthy friend
& patron
C. F. Bishop
the Oak &
Lone Mountain
of the Mind
Reader
W. D. Bishop
Kindest regards to
my friend Judge
- Bedford

POOR QUALITY
ORIGINAL

0739

Lawyers
Hector M. ~~Hutchings~~
2132. Nassau St
is now my lawyer
altho D. H. Rendall
has not yet
delivered up
his papers

POOR QUALITY
ORIGINAL

0740

1
Dear Sir -

In the name
of your idolized mother,
(now with my devoted son
in heaven), I beseech
you to keep your
word of honor, to
try the murderer of
my only child
whose picture resting
in his casket. I trust
to plead with you
for justice -

POOR QUALITY
ORIGINAL

0741

2

Surely you do not
wish me to take
the law in my
own hands? -

Every person says
you will never
bring the doctors
to trial - as Feyer
is too powerful, &
wealthy, since he
married the Chicago
Butcher's daughter -

But I defend
you - & will insist
that you are incorruptible

POOR QUALITY
ORIGINAL

0742

3

My friend Judge
G. J. Bedford of
66 Fifth Avenue,
says he will help
you prosecute the
"indecent and
obscene" - Therefore
praying you will
at least answer
and tell me
if you will try
them or not,
or that I can
put your answer
in my book. now

POOR QUALITY
ORIGINAL

0743

about to be published⁴
(through the kindness
of a friend of my
dear son). said
book is entitled

Search for Justice -

Law's delays -
Gratefully Dedicated

to
Honorable Judge A. Cowen
for having
held to bail the
murders of the
Mink. Reader

Trusting you, & your
dear ones, may have
every earthly blessing
& that to the length of

POOR QUALITY
ORIGINAL

0744

Years ⁵ since you
weary of earthly joys -
may you be folded
again in spirit in
the arms of your
beloved & loving
mother - pray
your suffering
friends & petitioners
Eleanor Fletcher Birk
833 DeKalb Ave
Brooklyn
New York
January 10/92
To
District Attorney
Deland New York

POOR QUALITY
ORIGINAL

0745

No. 1.

408

District Attorney's Office.

PEOPLE

vs.

J. Ferguson

From Mrs. Bishop
requesting the def-
endants Compulsory
attendance at the
trial & that certain
witnesses be sent
for.

POOR QUALITY
ORIGINAL

0746

The receipt of
the trial
I will be
published
in my book
I sent all
over the
world - as
an example
to other
doctors who
dare carry
up our dear ones -

2. West 64 St
New York City
Corner of Avenue
June 27-1892

To
The District Attorney
Dear Sir -

At the last of the
time is appointed through
your kindness to by the
murders of my only child.
But how can you
provide justice for
the State, or even,
unless you have all

POOR QUALITY
ORIGINAL

0747

The witnesses in Court?
My poverty prevents me
from providing them -
and I will come
alone, to Court -
as I am

rendered through said
inhuman Doctor's
debt into & alone -

I offered Jones
assault on the man
Dinna a book -
of evidence & on
Saturday - but he
declined it - stating
he had all the
evidence - & he
said there was no
doubt "My son was
dead" - I told him
he was not dead

and if all witnesses
were present on Tuesday
it would be as proven -
I asked him what would
be the result if "Dr. Frank
Ferguson (Armon's son in law)"

was not in Court -
He replied - The case
would go on without
him - "Tell me, how
you not the power
to compel said
Ferguson to obey
the commands of
Court?" - Should

Dr. Joseph H. Harknell
of 17 St. & Columbus
Avenue Phila. Pa.
should be present -
His letter is in the
two books I gave

POOR QUALITY
ORIGINAL

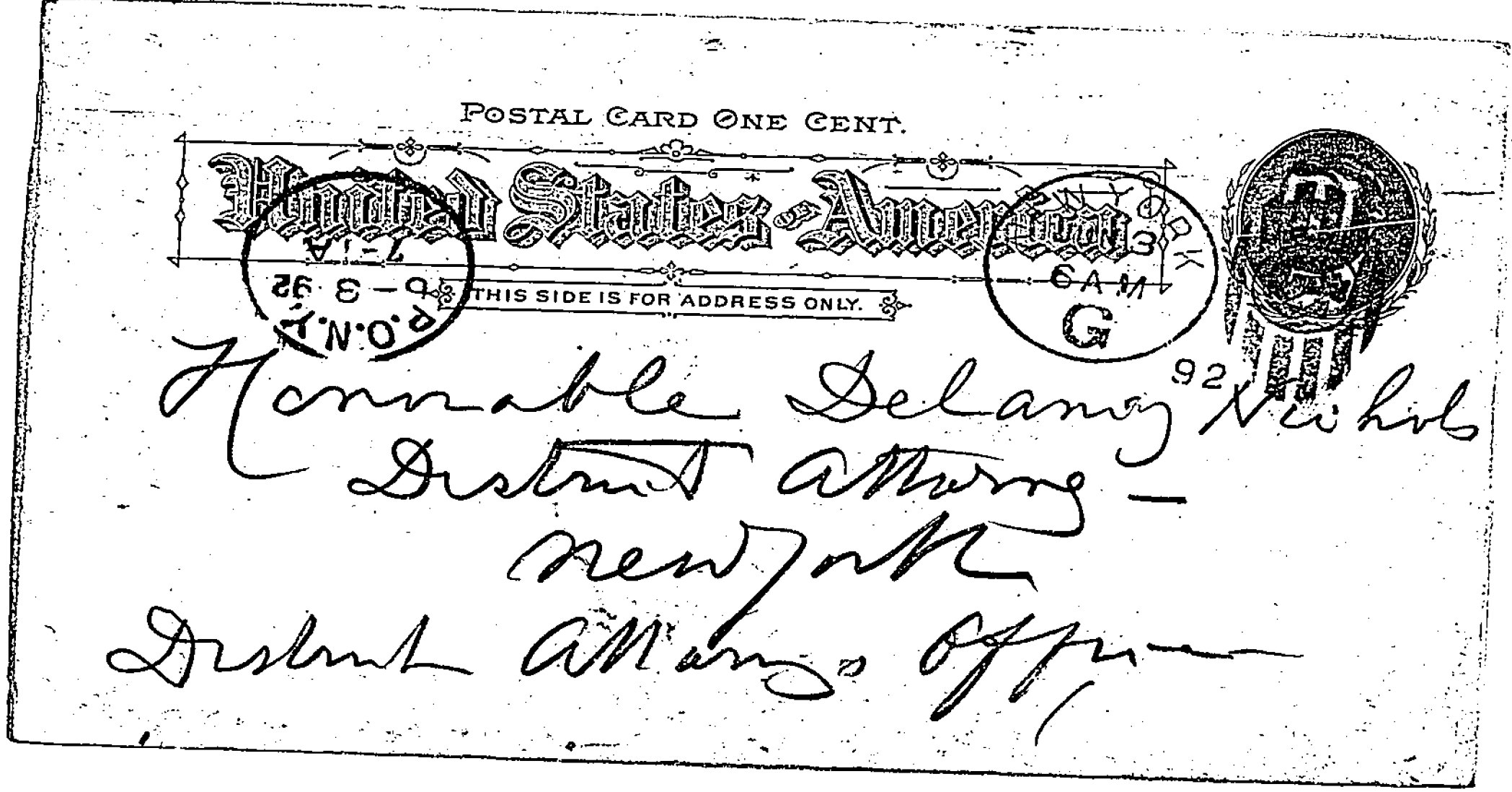
0748

John - Extracted the
Vermin of
Sir W. J. Bishop - 5
Elean. J. Bishop
I directed the
uncompromising friends
John who conducted
the family the Rippers
of America -
Drs Ferguson - Dr
& Hance -

In the name of John
Sweet babe - & beautiful
wife - Anne -
Justice - & Oblige
John - friends -
Dad - Mother -
Elean. Fletcher Bishop
2 W. 64. St. H. Y.

POOR QUALITY
ORIGINAL

0749



POOR QUALITY
ORIGINAL

0750

Heaven has recorded
your nobility in calling
to trial the murderer of
my only child - My devoted
son - Dr. Conrad Land
Washington Irving Bishop
the 32 degree Mason &
eminent mind - Reader
God will bless your boy
for demanding justice for
the lovely Mother Eleanor
Hatcher Bishop

POOR QUALITY
ORIGINAL

0751

2 W 64 St
June 29/92
New York
~~Mr. Sir~~
Why am I not
permitted to
testify? and
why are the

POOR QUALITY
ORIGINAL

0752

Witnesses whose names
I have given you
through the Court?
They would prove
that Dr. Ferguson, Ham-
& Irwin murdered
my son by — Please
permit me to give
3 evidence to the jury
Edgar Elam & Bishop

POOR QUALITY
ORIGINAL

0753

No. 2.

409

TO THE CHIEF CLERK.

~~Please send me the Papers in the Case of~~
PEOPLE

vs.

Green
vs.

M^r Mada: Please
As per of this
Case in Oa o/m
DA District Attorney.

No. 1.

408

District Attorney's Office.

PEOPLE

vs.

Handwritten notes and signatures, including "M. Mada" and "District Attorney's Office".

POOR QUALITY
ORIGINAL

0754

NELSON J. WATERBURY.
NELSON J. WATERBURY, JR.

TELEPHONE NO. 2225 CORT'DT.

N. J. & N. J. WATERBURY, JR.,
COUNSELLORS AT LAW,
32 NASSAU ST.,
MUTUAL LIFE BUILDING,

NEW YORK, Dec 28 1893

My dear Judge Martine:

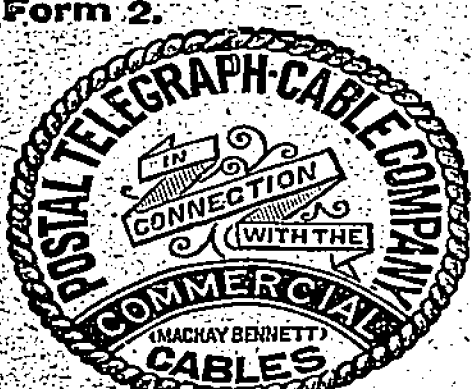
I have a telegram from Dr Hance in which he says that Dr Ferguson has telegraphed him to be in Court tomorrow. Dr Hance is sick in bed in the Adirondacks. Can you not note my appearance for him. I am obliged to go to Jamaica to keep an appointment with a client in the morning but, if necessary, I will gladly appear before you in the afternoon. Dr Hance is my close, intimate friend (like a brother) and I shall indeed be happy when the indictment against him is wiped out. I know him to be innocent.

Wishing you a Happy New Year,
Believe me, faithfully yours,
Nelson J. Waterbury Jr

POOR QUALITY
ORIGINAL

0755

Form 2.



TELEGRAM

This Company TRANSMITS and DELIVERS messages subject to conditions printed on back of this blank.
ALBERT B. CHANDLER, President and General Manager. JOHN O. STEVENS, Secretary.

NUMBER 13 29 SENT BY R. J. REC'D BY 16 CHECK 16

Dated Saranac Lake, N.Y. 28

To Nelson Waterbury Jr. (WHERE ANY REPLY SHOULD BE SENT.) Dec 28 1893

Mut. Life Bldg

Ferguson telegraphs me to be
in court tomorrow. am sick
in bed. will you represent
me: J. H. Hance.

POOR QUALITY
ORIGINAL

0756

Dear Friend,
As sure I pray
you will prove
in the end, to
me, by trying
the murderers of
my angel boy
next time you're.

POOR QUALITY
ORIGINAL

0757

and let me know
two weeks before
said third trial;
I enclose you
a circular &
solicit your
influence towards
making my college
a financial
success and
thanking

POOR QUALITY
ORIGINAL

0758

help smother
the path way to
the grave, of

the sorrowing mother
of the Mind Reader
the late
Sir Washington Irving Birch
whose name & ~~just~~
case against the unknown
doctors will never die
while I live

POOR QUALITY
ORIGINAL

0759

Cable Address: "UBABALLAST," New York.

Telephone No.: 1920 Cortlandt.

EDWARD H. MOERAN,
COUNSELLOR-AT-LAW.

106 BROADWAY,

New York, Dec 27th, 1893.

Hon. Randolph B. Martine,

My dear sir:-

I noticed in this morning's paper an item to the effect that application had been made to you on behalf of Drs. Ferguson & Haunce for a dismissal of the indictment against them for the alleged unlawful dissection of the body of Washington Irving Bishop. The indictment included the two doctors in question, & also my family physician, Dr. John A. Irvine, whom I think you have met. It seems to me that if the indictment be dismissed as against Dr. Ferguson & Haunce, it should certainly include my client, & I desire most respectfully to call your attention to the matter.

Yours very truly
E H Moeran

POOR QUALITY
ORIGINAL

0760

District Attorneys Office.
City & County of
New York.

Oct 12

Mr. Wicks

Dear Sir

I called in
to say that Mr. Moran is
out of town and probably
will not return until
tomorrow. I will call on
later in the day to make
an appointment with you
for him to meet you here

Yrs

W. J. Healy
for Est. Moran

POOR QUALITY
ORIGINAL

0761

N. J. & N. J. Waterbury, Jr.,
Counsellors at Law,
Mutual Life Building,
32 Nassau Street,

Nelson J. Waterbury,
Nelson J. Waterbury, Jr.

New York, October 10th, 1891

Barton S. Weeks Esq.,

My Dear Sir:-

I am in receipt of your favor of October 9th.
I regret that I shall be unable to meet you as you suggest as I
am obliged to be before the Surrogate at White Plains at that time.
The case of Doctor Hance is entirely different from the others and
at the Coroners inquest Doctor Irwin testified that Doctor Hance
had nothing to do with making the autopsy.

I have also talked this matter over with
Coroner Levy and he agrees with what I have written about Doctor
Hance.

I will drop in to see you in a few days as I
desire to arrange to have the indictment against Doctor Hance
disposed of.

Yours, very truly,

Nelson J. Waterbury Jr

POOR QUALITY
ORIGINAL

0762

MEMORANDUM.

1740.

Coroners' Office,
124 Second Ave.
New York, Dec 5 1891

Mr. Cook
Asst Dist Atty

My dear Sir

Your letter requesting
the testimony in the case of
Washington J. Bishop received.

The testimony in said case
was taken by a stenographer ^{of the Dist Atty's office} of the
name of "Jordan".

The deposition papers were filed
with the Dist Atty April 1st 1890. when
reciper we have signed "John R. Fellows
for St. Alexander"

Yours truly
Edw. F. Reynolds
Clk

POOR QUALITY
ORIGINAL

0763

W. BOURKE COCKRAN,
120 BROADWAY,
EQUITABLE BUILDING.

New York, October 26th, 18 91

My dear Sir,-

I have received the enclosed from
Mr. Day, concerning ^{*the case of*} Dr. Erwin.

I submit it to you for your con-
sideration, as I think the Doctor is entitled
to a speedy disposition of the case.

Yours very truly,

W. Bourke Cockran

To

Hon. De Lancey Nicoll,

District Attorney,

POOR QUALITY
ORIGINAL

0764

833 De Kalb Avenue
Brooklyn New York
Oct 27 - 1891

Honorable

Delany, Dickel &
Endre Stinson & Bright
Gentlemen -

- Is there any power to prevent
the election of the dishonorable dishonest
black-mailing lawyer Samuel H. Randall?
- I have proof that he black-mailed the
Republican Party a few weeks ago - at the
Plaza Hotel - Also have the documents
signed & sworn to by Hon Judge Brigham -
a Boston Man - ~~the~~ charging Randall with
the following crimes - Barred - Robbing the
brave soldiers out of their bounty - and
Randall continues robbing the widows &
orphans in this State where you permit
him to wear & soil the brimstone
of your Courts - Why is it? -

POOR QUALITY
ORIGINAL

0765

I am unfortunately only a poor woman -
not permitted to vote - yet I control
over 3000 household votes - and if Randall
had not robbed me of my rights -
I would spend all in detecting him -
however, I have not been idle -
But it is very hard - as I am compelled
to walk miles - hungry - as I am -
as you are aware permitted - &
patiently waiting your time to
by the murder of my poor boy -
Waiting in every arrangement - & in
your most respectfully -
R. Semmich. Citizen
Cleaner - Fletcher Bishop

Could you not enable me to get and circulate
denouncing Randall?

POOR QUALITY
ORIGINAL

0766

LUDLOW, DAY & CO.,
REAL ESTATE,
And AUCTIONEERS.

54 WEST 31ST STREET,
NEW YORK.

NOTARY PUBLIC.

New York, Oct 24th 1887

Hon. W. Bourke Cochran,
No 120 Broadway,
N.Y.,

My dear Sir:-

My friend Dr. Swin is still under the "Bishop" indictment; - all the facts of the case you are familiar with. - He is a reputable gentleman, and a voter, and we have requested Dist. Atty. Nichol to dispose of the matter in some way, so as to get it off the docket. I have requested this as a personal & special favor, as I worked for, and induced my friends to vote for Mr Nichol at the last election. This is the only favor I have requested, and I wish if possible that the matter be adjusted in some shape before November.

I have been told "that the case will never be brought up," but, do you think that it is pleasant for an innocent man, and a

POOR QUALITY
ORIGINAL

0767

LUDLOW, DAY & CO.,
REAL ESTATE,
And AUCTIONEERS.

(Hox N.B.C)
2

54 WEST 31ST STREET,
NEW YORK.

NOTARY PUBLIC.

New York, 188

a professional man at that, to feel that he is under such an indictment? Especially as he is a popular club man about town and liable to occupy a public position any day.

Personally I had had no thoughts of writing you in reference to this matter, but have been advised to do so by a mutual friend.

Very truly
Geo. Day.

POOR QUALITY
ORIGINAL

0768

1-89

155-50

Court of General Sessions. Part 2
Before Judge Fitzgerald.
Tuesday, June 28.th 1892.

The People vs. John Arthur Irwin.
Indictment for Misdemeanor.
Asst. Dist. Atty. Weeks for the People.
Messrs Moran and Pagelow for the Defendant.

A jury was empannelled and sworn.
Mr. Weeks opened the case for the
People.

POOR QUALITY
ORIGINAL

0769

3002
People v. John A. Irwin

IRWIN H. HANCE, sworn and examined.

By Mr. Weeks. Q. You are a graduated physician, Doctor?

A. A graduate of the College of Physicians and Surgeons,
New York.

Q. In what year? A. 1883.

Q. And in the Spring of 1889 where did you have your office?

A. At Park Avenue and 56th Street, No. 441.

Q. Were you acquainted with Dr. Irwin, the defendant in this
case? A. I was personally.

Q. And had been for how long? A. Well, I had known
Dr. Irwin personally for several years and was more person-
ally acquainted with him for the preceding, I think I may
say a year or two years, I could not say the exact time but
for a considerable length of time.

Q. When did you first hear of the death of Mr. Bishop?

A. On the morning of his death, the exact time I cannot
state.

Q. About what time? A. It was some time between one
and two o'clock I think.

Q. In the morning? A. No, between one and two o'clock
in the afternoon I should state.

**POOR QUALITY
ORIGINAL**

0770

- Q. The day that the autopsy was performed -- from whom did you hear of it? A. I heard of it from Dr. Irwin.
- Q. What did he say to you? A. He merely stated that Bishop was dead.
- Q. Had you ever met Bishop before? A. I never had met Bishop and had not at that time seen Bishop, I knew who Bishop was from having read of his mind reading feats, etc.
- Q. Did Dr. Irwin say, Bishop the mind-reader was dead, how did he explain to you so that you knew Bishop was Washington Irving Bishop of whom you had read? A. That is a question I can scarcely answer.
- Q. As near as you can recollect the exact language, what did he say to you? A. He merely stated, as I remember it, he stated the circumstances of the performance which Mr. Washington Bishop had been through.
- Q. State what he said to you, did he start and say that he was at the Lambs Club the night before, give us the conversation if you please? A. Well, it is a considerable time back and to state the conversation -----
- Q. As well as you can recollect it? A. He merely stated --- he gave me a history of the performance of the feat which Washington Irving Bishop had been through.
- Q. Did he tell you where it was and when it was and what he had done? A. Not at the time, he merely stated that it

**POOR QUALITY
ORIGINAL**

0771

occurred in the street adjoining his house; he did not state that it was at the Lambs Club as I remember, he stated that it occurred the night before.

- Q. What had occurred? A. He gave me the history of the case I think in this way, that at a meeting of gentlemen Washington Irving Bishop had been urged to perform one of his mind-reading feats and that he had consented, and that after performing this feat of mind-reading, he fell, he became unconscious and from that he became comatose, and then he stated, as I remember it that he had sent for one or two physicians and asked them to come in consultation.
- Q. Did he name them? A. That I could not be sure of, I do not think he did name them to me at the time.
- Q. Did he name Dr. Lee? A. I do not think so --- and that the man had died along as I remember it, about noon that same day; that he had remained comatose, and as Dr. Irwin expressed it, comatose condition why he passed into the condition of death, and that his death was due to failure of the heart under respiration.
- Q. And that he had died about noon that day you say Doctor, about one o'clock? A. I saw the Doctor, it must have been sometime between one and two o'clock I think.
- Q. Did Dr. Irwin describe to you at all the feat of mind-reading

**POOR QUALITY
ORIGINAL**

0772

that Bishop had performed?
did afterwards.

A. If not at that time he

Q What was the feat that he had performed?
member it. of discovering a name.

A As I re-

Counsel: We object to that on the ground that the witness was not
present at the feat of mind-reading, he merely heard what
was said.

The Court: The District Attorney asked for the conversation had
with the defendant.

Counsel: I beg your pardon.

By the Court. Q Confine yourself now to what Dr Irwin told you,
not what you learned from other sources, the conversation you
had with him?
believe that Dr. Irwin went into the full history of the mind-
reading feat.

A. Well, at that time I do not

By Mr. Weekes. Q. But he did subsequently?
him subsequently.

A. I learned of

Q. Of him, did you not?

A. Yes sir, I think I did.

Q. Please tell us what he told you subsequently in regard to
it?

A. That Washington Irving Bishop had been
asked to perform this feat and that one or two gentlemen,
the exact number I cannot say, went to certain portions of
the Lambs Club, and they selected so to speak, the name which

**POOR QUALITY
ORIGINAL**

0773

was written on a register, one of the old registers of the Club; then they went upstairs and Mr. Bishop was blindfolded and he laid his hands on the arms, or took the hand of the gentlemen, I do not remember the minutæ of the thing and that from the upper story, as I recollect it, the second story of the house. these gentlemen and Mr. Bishop went down stairs and Bishop finally picked up the book out of which they had selected the name of the given gentleman who had formerly registered in the Club, and he called for a pencil and paper; they gave him a pencil and paper and he wrote this name. That is as I recollect the history of the case, the conversation.

Q And that after performing that he became unconscious Dr. Irwin told you?

A. As I recollect it, not immediately afterwards, I think that he went upstairs as I remember it, some little time after he became unconscious and then passed into a comatose condition.

Q. Will you kindly explain to the jury what you medical men mean by a comatose condition?

A. Well, they mean a condition of body where the functions of the brain I should say were wholly inert, where respiration takes place, the centers of respiration still perform their functions of respiration and the heart action continues whereas the man is an unconscious state and lost muscular power as well.

**POOR QUALITY
ORIGINAL**

0774

- Q. The first conversation that you had with Dr. Irwin was about one o'clock on that day? A. ~~But~~ Sometime between one and two.
- Q. An hour or an hour and a half after Bishop had died --- and what else did he say to you after he told you that Bishop was dead? A. He made a statement that there was to be an autopsy that afternoon on Mr. Bishop.
- Q. Did he say by whom? A. He said it was by Dr. Ferguson, Dr. Ferguson would perform the autopsy.
- Q. Did he say where? A. He did not.
- Q. What else did he say to you about that autopsy?
A. Nothing except to invite me to be present.
- Q. He did invite you to be present? A. He asked me if I cared to see the autopsy and I said that I should like to.
- Q. Did he then tell you where it was to take place?
A. Not at the time, no, later on in the afternoon I learned where it was to take place.
- Q. Later on from whom did you learn it? A. I think it was from Dr. Irwin.
- Q. And he told you where? A. Hawke's undertaking establishment.
- Q. Did you go there to No. 8 Sixth Avenue? A. It was the lower part of Sixth Avenue, the exact number I do not remember.

POOR QUALITY
ORIGINAL

0775

- Q. And did you go there? - A. I went there, yes sir.
- Q. Alone? A. I did not go alone, I was trying to think whether it was with Dr Irwin or Dr Ferguson.
- Q. Wasn't it with Dr. Ferguson that you went?
- A. I think so, I can't answer that question positively.
- Q. From the Lambs Club? A. No, not from the Lambs Club, I never have been inside the Lambs Club in New York City, I don't know where it is.
- Q. When you got there where was the body? A. It was in the rear room of Hawke's undertaking establishment.
- Q. Did you examine the body? A. I did not.
- Q. Did you go up to the body? A. I glanced at it, looked at it, but if I were to be the one who was to hold the autopsy I should ^{not} consider that I had examined the body by doing what I did.
- Q. What did you do A I did nothing.
- Q. I mean when you first went in and saw the body there?
- A. I waited for Dr. Ferguson.
- Q. Did you examine it sufficiently to satisfy yourself that he was dead? A I did not make any examination to verify in my own mind the fact that Mr. Bishop was dead.
- Q. Now who was in the room then? A I think Mr. Hawkes was there and several of his assistants and Dr. Ferguson and Dr. Irwin.

**POOR QUALITY
ORIGINAL**

0776

2

- Q. Was Dr. Irwin there when you arrived? A. I cannot say, I do not remember.
- Q. Now what occurred after you were all in that room, please tell us exactly what occurred? A. Dr. Ferguson proceeded with the autopsy and examined with great detail and minuteness the body of Mr. Bishop.
- Q. Please state what he did first; you say he proceeded with the autopsy, what was the first step that he took in the autopsy? A. The first step is usually to examine the condition of the body as to what is called the rigormortis or the stiffness of the joints and to make a thorough external inspection of the body on which he was about to perform an autopsy.
- Q. Were you by his side when he did that in this case? A. I was by his side; he examined the body from head to foot, front and back, and had the body turned over and inspected it.
- Q. At the time he did that did he make any remarks? A. Not that I recollect.
- Q. Did you take any notes at that time? A. I did, I wrote down what Dr. Ferguson found.
- Q. He made some remarks, did he not? A. He made some remarks later on, yes sir.
- Q. What happened after this external examination of the body?

POOR QUALITY
ORIGINAL

0777

A. He proceeded further with the autopsy.

Q. In what way? A. By making what we call a classical incision in starting from the neck and opening the body in that manner.

Q. Right down the median line? A. Through the median line.

Q. What then? A. He proceeded to remove the bones over the front of the thorax, the cartilag^{es} of the breast bone.

Q. The cartilage that attaches the breast bone to the ribs?

A. Yes sir.

Q. Then what? A. Then he proceeded further with the examination.

Q. Describe minutely just what he did? A. He examined the abdominal organs first, examined the organs of the thorax, the organs below the diaphragm, first of all examining the surface of all the organs before removing them and giving a description of what he found; then proceeding to remove each separate organ examining it in detail; after having done that he examined the organs in the thorax system, the lungs and the heart.

Q. The thorax is the upper portion of the trunk?

A. Yes sir, the upper portion of the trunk; and then after having finished the examination of the lungs and the

**POOR QUALITY
ORIGINAL**

0778

heart he examined the brain.

Q State what he did when he examined the brain?

A. Well, in order to reach the brain and remove it from the body it is necessary to remove the skull cap, as it is called, which was done.

Q. Please show how that was done?

A. It is done usually in such a manner as to result in the least deformity or disfiguration of the man's head that is possible, and it is done by making an incision from one ear, making that incision as far back as possible so that it does not show towards the front; that runs from ear to ear; then the soft parts or the scalp are drawn forwards and backwards from that incision and then the saw is used to open the skull, and that is so opened that when the part is replaced it fits so to speak, in the socket by making an angle from that same point forwards and the angle backwards.

Q After the first cut through the scalp is made here toward the back and then the scalp laid over the face and the scalp is down upon the nape of the neck, then the entire skull cap is sawed off, is it not?

A. Yes sir.

Q. The entire skull cap is sawed off and lifted off, is it not?

A. And is removed.

Q. And then after having sawed off the skull cap and he removed it, what did he then do?

A. He proceeded to remove the

**POOR QUALITY
ORIGINAL**

0779

substance of the brain.

Q. And what then? A. And then he proceeded to examine that.

Q. How did he proceed with that examination?

A. Merely by making incisions through various portions of the brain, I mean they were cut with a knife.

Q. Cut in slices? A. No, he may cut through here and there, completely through a section of the brain, but usually the incisions are made ---- you make one big one and open the parts and then another until you see the greater portion of the brain.

Q. After that what did he do? A. As I remember I think that completed the autopsy, except the sewing up of the remains.

Q. Then were all the organs replaced? A. I could not say, I do not know whether he removed any organs or not, I was not cognizant of the time of his removing any organs.

Q. Before you went there did Dr Irwin state to you the cause of death? A. As having died of heart failure and failure of the respiration.

Q. As the result of that examination did ^{they} ~~that~~ ascertain that that was the cause of death? A. I think they did.

Q. What day of the week was this? A. I could not say at this late date.

**POOR QUALITY
ORIGINAL**

0780

Q. What day of the week was this? A. I could not say at this late date.

Mr. Weekes: On Monday it is conceded was the day, the 13th of May, 1889.

Q. You first saw Dr. Irwin the 13th of May, 1889, at about one or half past one o'clock and at what hour was it that the autopsy was begun in the undertaker's establishment?

A. That I cannot state positively, but I think the arrangement was that it was to have been about five o'clock, as I recollect it.

Q. Wasn't it about four o'clock that it actually occurred?

A. I could not say.

Q. And the Doctor had told you when you met him between one and half past that Bishop had died at noon that day?

A. Yes sir.

By Counsel. Q. You speak of this autopsy as being performed, I understand it was performed entirely by Dr. Ferguson and Dr. Irwin took no active part? A. He took no active part in the performance of the autopsy at Hawkes' establishment.

The Court gave the usual statutory caution to the Jury and then took a recess.

POOR QUALITY
ORIGINAL

0781

Weeks

AFTER RECESS.

WILLIAM E. TURNER, a witness in behalf of the People
having been duly sworn testified:

BY MR. ~~Maddona~~ Weeks:

Q You are an assistant to Mr. Hawkes the undertaker of
No. 8 Sixth Avenue?

A Yes, sir.

Q And on Monday the 13th of May, 1889, did you go to the
Lambs Club and take therefrom the body of Mr. Bishop
and remove it to Mr. Hawkes undertaking establishment?

A I did.

Q At the Lambs Club did you see Dr. Irwin?

A Yes, sir.

Q Did you have any conversation with him there?

A No, sir.

Q None whatever?

A Only in regard to the certificate.

Q What conversation did you have?

A I asked for a death certificate.

Q And did he give it to you?

A Yes, sir.

Q Signed by himself?

A Yes, sir.

Q Did it state the cause of death?

A On the certificate.

Q What was the statement of the cause of death?

Objected to by defendant's counsel.

Objection sustained.

POOR QUALITY
ORIGINAL

0782

Q What time was this that he gave you the death certificate?

A About a quarter to three, from that to three o'clock.

Q And having obtained from Dr. Irwin's hand a death certificate stating the cause of death you proceeded to remove the body to your undertaking room?

A Yes, sir.

Q And at what hour did the physicians come there?

A About 4.30 to five P. M.

Q What physicians came?

A Dr. Irwin, Dr. Fergusen and Dr. Hance.

Q And were you present when the autopsy was performed?

A I was.

Q Was it performed about as Dr. Hance testified this morning?

A Yes, sir.

Q After the autopsy was performed and the skull cap replaced and the skin drawn back over the skull, was there any mark left across the forehead?

A Just a slight line.

Defendant's counsel objects to this line
of examination as immaterial and incompetent.

Objection sustained.

Q Who were present when that autopsy was performed?

A Drs. Fergusen, Hance and Irwin.

Q And who took part in the performance of the autopsy?

A Dr. Fergusen performed the work. Dr. Irwin was present, Dr. Hance was present and kept the minutes.

NO CROSS EXAMINATION:

POOR QUALITY
ORIGINAL

0783

DR. FRANK FERGUSON, a witness in behalf of the People
having been duly sworn testified: -

BY MR. ^{WEEK} MACDONALD:

Q You are a practising physician?

A Yes, sir.

Q And make a specialty of pathology?

A Yes, sir.

Q Performing autopsies?

A Yes, sir.

Q Did you receive a call from the defendant Dr. Irwin on
Monday the 13th of May, 1889?

A Yes, sir.

Q At about what time and where?

A At about twenty minutes past one o'clock to half-past
one at the New York Hospital.

Q What conversation did he have with you and you with him?

A Simply that he said that he had a death in his private
practice and would like me to conduct an autopsy for him
that day.

Q Did he tell you who it was or where the body was?

A Yes, sir.

Q Give us the full conversation?

A He said that the man was a Mr Bishop and that he had died
at twelve o'clock or in the neighborhood of twelve o'clock
and that he would like me to state the time at which I
would make the autopsy.

Q Did he tell you the cause of death?

A I don't think he did.

Q Did he tell you where the body was; tell us the whole

POOR QUALITY
ORIGINAL

0784

conversation as well as you can.

A I do not think that I can recall the conversation but I was to call at his house that afternoon at such time as I could make.

Q What time did you tell him you thought you could make?

A I told him I had an engagement at two or half-past two and that would take me an hour or an hour and a half and I thought I would be at his place at half-past three to four. That is my recollection of the thing now.

Q Did he tell you at what hour Mr Bishop had died?

A My impression is that he told me he had died at twelve o'clock.

Q Did he say 12 o'clock noon when he told you that?

A No.

Q Did you understand him to mean 12 o'clock noon?

A No.

Q You understood him to mean 12 o'clock midnight did you not?

A That was my impression then.

Q That the man had been dead then over twelve hours when he called upon you?

A That is the impression that I received. I don't know that he intended to communicate that impression to me.

Q You received that impression, however?

A Yes, sir.

Q And you continued to have that impression at the time you performed the autopsy?

A Yes, sir.

Q When did you first see the body?

**POOR QUALITY
ORIGINAL**

0785

- A I saw it I think at about four o'clock that afternoon.
- Q Where?
- A At an undertaker's establishment in Sixth Avenue.
- Q Who was there?
- A There was an undertaker there and another man or at least the men who I understood took charge of the place and also a young man who came down from Dr. Irwin's office with me, Dr. Hance.
- Q Was Dr. Irwin there?
- A No.
- Q How soon after you arrived did Dr. Irwin get there?
- A Within a half an hour I should think.
- Q Did you do anything before Dr. Irwin came?
- A No.
- Q When Dr. Irwin came what conversation did you have?
- A I do not think that I can recall that conversation, it was simply a conversation preparatory to making an autopsy.
- Q Well, what is your best recollection of that conversation; did he tell you that was the body upon which he wanted you to perform the autopsy?
- A Yes, there was at least a general consensus of opinion that that was the case upon which the autopsy was to be made.
- Q Did he say anything to that effect?
- A I cannot recall.
- Q What conversation did you have there; endeavor to recall it as well as you can?
- A The only thing that made an impression upon me at all at

**POOR QUALITY
ORIGINAL**

0786

that time was one or two remarks that Dr Irving made, stating that I might have waited at his house until his return, that it was usually understood in the profession that if a busy man was a short time late at his engagement the party calling should have waited as a matter of medical ethics.

Q Well, how did you know that that body which you saw in the undertaking establishment was the body that Dr Irwin wanted you to perform an autopsy upon?

A I understood it because Dr Irwin had arranged with the undertakers to have it transferred from the front of the room where the body was to the rear of the room where there was more light for the purpose of making an autopsy.

Q Was he there at that time?

A Yes, sir.

Q And he directed the removal of the body?

A I think that he ordered to that effect.

Q And then you prepared to perform the autopsy?

A Yes, sir.

Q What was the first thing that you did?

A I conducted the autopsy first upon the body, by that I mean upon the chest, the trunk.

Q Did you examine the body first, make a superficial examination?

A With the greatest degree of care, as I always do.

Q Was rigor mortis well developed?

A The rigor mortis was marked but not very strongly marked as it is in some cases. The rigor mortis is a very uncertain entity in a post mortem examination. But it was at least

POOR QUALITY
ORIGINAL

0787

perceptible. For that part of the evidence I refer to the original document in the case.

Q Did you hear Dr Hance's description?

A No.

Q What did you do there then?

Defendant's Counsel: I raise the same objection that I raised before. There is no question but what an autopsy was had and that there was a dissection of the body. Why go into the details? It is entirely immaterial.

The Court: I presume in this case the district attorney has in mind section 29 of the Penal Code.

Mr ^{Neeks} ~~Madame~~: I don't understand that the defendant is ready to admit that the body of Bishop was dissected under his instruction. And unless there is such an admission I am entitled to prove my case.

Objection overruled. ~~Objection.~~ Exception

Q Now explain what you did. I understand you to say that Dr Irwin and Dr Hance were present during all this time?

A Yes, sir.

Q That you came there at the request of Dr Irwin?

A Yes, sir.

Q That while there the body was removed from the front of the room to the rear room under instructions from Dr Irwin and then you prepared to make your autopsy?

A Yes, sir.

Q That you made a careful external examination?

A Yes, sir.

Q Found rigor mortis not particularly well marked?

POOR QUALITY
ORIGINAL

0788

A That is my memory of the case.

Q Now kindly state what you did.

A I conducted a fairly complete autopsy, including all the vital organs, the lungs, the heart---

Q State what you did. You made the first incision?

A I made an incision, first, necessary to get at the heart and lungs.

Q How did you make it. Describe exactly.

A In the ordinary way.

Q We are not ordinarily versed in autopsies, so when you say in the ordinary way, it conveys nothing to those of us who have not had the misfortune to witness autopsies.

A In order then to have the cause of death revealed in a case of dying under these circumstances my incision first is made in the medial artery along the length of the body by which I get at the heart and lungs and I made a careful examination of them, and by which I got at all the abdominal viscera, those are the viscera below the diaphragm, and by which I made a very careful examination of those including the peritoneal cavity, including the kidneys below the peritoneal cavity and including the bladder and uterus. After I had finished the examination upon that part of the body including the thoracic cavity and peritoneal cavity, I opened into the skull and examined the brain.

Q Removing the skull cap as Dr Hance testified this morning by making an incision from the ear around at the back?

A Directly over the vertex of the head, from a point a little behind the ear and right across the vertex to the opposite side. The skin was reflected in front and also behind and

**POOR QUALITY
ORIGINAL**

0789

then the skull was removed by means of a saw and then the brain was carefully removed and examined.

Q Did you from that examination satisfy yourself as to the cause of death?

A From that examination I had conviction as to the cause of death but not until I put the organs through a certain mode of preparation and microscopic examination did the cause of death become certain.

Q But prior to your examination, prior to your autopsy, you had no question that the man was dead?

A At my examination when I examined prior to a single incision that I had made I had not the slightest question in the world upon that subject nor did it ever enter my mind until I was arrested for having conducted an autopsy on a man that was still living.

Q Did you take away with you any of the organs?

A I did.

Q What?

A I took away portions of the brain that would be likely to throw light upon my post mortem examination, also portions of the liver and of the kidneys and also portions of the stomach.

Q Did you make microscopic slides of the brain?

A I did.

Q Prior to making the autopsy had Dr Irwin stated to you the cause of death?

A I don't know that he had. My impression is now that he stated that the cause of death may have been hysterical epilepsy or something like that and he would like to know the

**POOR QUALITY
ORIGINAL**

0790

exact anatomical conditions or pathological conditions there. But that is merely my memory of the case. It is so long since, and dealing with that line of work all the time a man is not apt to have a single case in his mind.

C R O S S E X A M I N A T I O N by Mr Pagelow:-

Q The amount and extent of dissection that you did was only that which became necessary to ascertain the cause of death?

A Yes, sir.

Q There was no such dissection as would be made in the event of a dissection for anatomical purposes?

A Absolutely none. My function was as a pathologist called into that case to find out the cause of death.

Q And for that purpose you dissected this body and no further

A For that purpose I conducted an ordinary post mortem examination which I have done over and over and over again in my hospital practice and in my private work.

Q How many times have you in the course of your professional career conducted examinations of this description?

Objected to.

Q How many autopsies have you performed?

A I should think I have made in the neighborhood of four thousand autopsies and I have made them nearly always alike ever tending to showing the cause of death in the case.

Q Are you connected with the New York Hospital now?

A With the New York Hospital, with Chambers Street and with Bloomingdale Asylum.

POOR QUALITY
ORIGINAL

0791

D R. C H A R L E S C . L E E, a witness called in behalf of
the people, having been duly sworn, testified:

By Mr. ^{Neely} ~~Maddona~~:

Q Where do you reside?

A At #79 Madison Avenue.

Q And were you residing there in May, 1889?

A Yes, sir.

Q You are a graduated physician?

A I am.

Q And practicing here in the city of New York?

A Yes, sir.

Q And duly registered?

A Yes, sir.

Q Were you summoned by Dr Irwin on the early morning of the
13th of May, 1889?

A I was.

Q At about what hour?

A I do not distinctly remember the hour except that it was
very early in the morning, I should think between six and
seven o'clock or about six o'clock.

Q Where did you go?

A I went to the building known as the Lambs' Club.

Q And you found Dr Irwin there?

A I did.

Q Please state what occurred there?

A I found Dr Irwin there who met me in the hall of the house
on the second floor and he told me that a patient of his
was very ill in one of the rooms of this Club and further
told me that this was Mr Bishop, Mr Washington Irving Bish-

**POOR QUALITY
ORIGINAL**

0792

op, who after an exhibition that he had given the previous night had been taken suddenly ill and that he, Dr Irwin, had been with him all night trying to resuscitate him from his condition of illness, and he desired me to aid him by such counsel or advice as I might possibly be able to give.

Q What did you do?

A I went into the room where the patient was lying and examined him with Dr Irwin.

Q In what condition did you find him?

A I found the patient unconscious, pale, apparently very feeble, with pupils that were somewhat contracted and with a feeble and somewhat irregular pulse as well as I can recall the details, perfectly unconscious.

Q But alive?

A But alive, distinctly alive.

Q Did you prescribe any treatment or suggest any treatment?

A I discussed his condition with Dr Irwin and found what Dr Irwin was doing for the patient which seemed to me eminently proper and just, and I endeavored to carry out or to help Dr Irwin to carry out that treatment which he had already instituted.

Q What treatment was that?

A Stimulation by hypodermic injections of brandy or ether and ether, I forget which as to the details, and the application of electricity to the region of the heart in order to stimulate the beating of the heart and in order to resuscitate if possible the patient from this weak condition.

Q How long did you remain there?

A As well as I can remember I remained there until about

**POOR QUALITY
ORIGINAL**

0793

eight o'clock with Dr Irwin.

Q And then left?

A And then left with his concurrence.

Q Was Bishop still alive at that time?

A He was still alive.

Q Did you have any conversation with Dr Irwin with regard to an autopsy?

A Not at that time.

Q When did you?

A When I returned.

Q At what hour?

A I think that it was between ten and eleven o'clock, but I am not certain.

Q You returned to the Lambs' Club between ten and eleven?

A I think so.

Q Did you see Mr Bishop again?

A No, I did not.

Q Where did you see Dr Irwin?

A On the stoop or steps.

Q What conversation did you have with him there?

A To the best of my recollection Dr Irwin then told me that Mr Bishop had died in the interval between my leaving the house and my return, and that on account of the peculiar conditions of his illness and of the state of mind that preceded it he was extremely anxious to hold an autopsy upon his body, and he also stated that he had telegraphed to Mr Bishop's family who, I believe, were in Philadelphia, stating his desire to hold this autopsy.

Q Did you have any further conversation with him in regard

POOR QUALITY
ORIGINAL

0794

to an autopsy that you now recall?

A No, I do not recall, but possibly some more detailed question may bring it to my memory.

Q Did you have any conversation with him as to the legal requirements of an autopsy?

A I do not remember.

Q Or when an autopsy would be legal?

A I do not remember such.

Q Well, when he told you that this was such a peculiar case in regard to the circumstances preceding it and so forth? that he was very anxious to have an autopsy, what did you reply?

A I do not remember my reply. I did not feel, myself, an interest in the matter.

Q Do you recall stating to him that you did not think there was any necessity for an autopsy, that the cause of death was clear?

Objected to.

Q Have you told us all you now recall of the conversation you then had with Dr Irwin?

A I have because I have no notes to refresh my memory.

Q Now I ask you do you recall having told him that the cause of death you thought was perfectly clear and that there was no necessity for an autopsy?

A I don't recall it.

Q Do you recall being examined before the coroner's inquest?

A Yes, I remember that.

Q Do you remember there testifying that Dr Irwin had asked you what the law was in regard to autopsies but as you

**POOR QUALITY
ORIGINAL**

0795

didn't know it yourself you couldn't advise Dr Irwin?

A I do not remember that but it is highly probable because I did not know what the detail of the law was.

Q Do you now recall Dr Irwin's having asked you anything of the sort?

A I do not.

Q Don't you recall having testified to that before the coroner?

A I do not.

Q You recollect distinctly, however, that Dr Irwin told you that the case was such a peculiar one, the circumstances preceding the death, that he was anxious to hold an autopsy and had telegraphed to the family in Philadelphia?

A I remember that distinctly.

No Cross Examination.

THE PEOPLE REST.

Defendant's Counsel: I move for a dismissal and acquittal on the ground that the prosecution has entirely failed to make out a case. The sections on which this indictment is based are 308 and 309 of the Penal Code. There is absolutely no evidence before this jury to show that this dissection was had in contravention of the statute, that it was without the authority of law or without the permission of the deceased. The ingredients of the crime are the dissection of the body without the

**POOR QUALITY
ORIGINAL**

0796

authority of law and without the permission of the deceased. It is incumbent upon the prosecution in order to make this case one within the meaning of that section not only to show that such permission was not had but to show also a state of circumstances taking the case out of one of the preceding subdivisions which declare dissection to be lawful within the circumstances there mentioned. They must not only show that it was without the consent or permission of the deceased, but also that it was without the consent of the relatives, next of kin, or those charged with the burial.

The Court: The motion is that the Court direct an acquittal on the ground that the people have not proved their case.

Defendant's Counsel: On the ground that the people have not proved their case, that they have not proved there was a lack of consent or permission on the part of the deceased, that they have not proved that there was a lack of consent or permission of the wife or next of kin of the deceased, that they had failed to prove that this was without the consent or authority as required by subdivision 2, and on the ground that the prosecution had failed to prove that this is not one of the cases provided by special statute.

Motion denied. Exception.

POOR QUALITY
ORIGINAL

0797

Mr pagelow on behalf of defendant opened to the jury and called as a witness

D R. J O H N A R T H U R I R W I N, defendant, who being duly sworn, testified:

By Mr pagelow:

Q Where do you reside?

A 14 West 29th Street.

Q What is your profession?

A Physician and surgeon.

Q How long have you been such.

A I have been engaged at medicine for twenty-two years. I have been qualified as a physician between seventeen and eighteen years.

Q Are you a duly registered physician in this county?

A Yes, sir.

Q Are you a graduate of any University or College?

A I am a graduate of four different colleges.

Q Are you connected in any way with any public institutions or have you been?

A I have been. I am a graduate of Cambridge University, England, and I am a Master of Arts and Doctor of Medicine of the Dublin University, and a licentiate of the Irish College of Physicians, I am a member of the Royal College of surgeons.

Q Were you connected with any institution in this country?

A I am a Fellow of the Academy of Medicine and a member of the County Medical Society and the Society of Medical Jurisprudence, I am physician of the St. George's Society of this city.

**POOR QUALITY
ORIGINAL**

0798

Q Did you know Washington Irving Bishop in his life time?

A I knew him very slightly for a great many years. I met him in Liverpool I think ten years exactly before his death, in 1879.

Q You knew him on and off for ten years prior to his death?

A In the interval I had only seen him once except at the time in Liverpool.

Q Do you remember the night of Sunday, May 12th, 1889?

A Yes, sir.

Q Will you state, beginning with the time you went to the Lambs' Club what took place?

A On the evening of May 12th I had been attending a patient up town and I had retired early in the evening and I was called out to see another patient at a little after eleven o'clock, and on my way home I passed by the Lambs Club, or passed the neighborhood of the Lambs' Club of which I then was a member, the Honorable Judge Brady was president at the time, and remembering it was the evening they held their entertainment I went in and at the time I went in Mr Bishop was doing his performance, giving his exhibition, and directly afterwards Mr Bishop recognized me and spoke to me and called my attention to his physical condition, this was in the public room, asked me to feel his pulse and so on, which I did at his request, and I then advised him to discontinue his performance, his pulse was abnormally rapid and he was in a state apparently of great excitement. But directly afterwards he performed this other feat which was apparently very much more difficult, and at the conclusion of this he fell into the arms of some gentlemen around

POOR QUALITY
ORIGINAL

0799

him, there was a crowd in the room, in a fit, hysterio epileptic or hysterio cataleptic character, and I at once tried to assist him, laid him down, and in a very few minutes he recovered consciousness, to the best of my memory, within five minutes, and then he was removed upstairs by my advice, I think Mr Ward had to carry him upstairs, and I think, I am not quite sure, there was a large number of gentlemen at the time, I know Mr Ward carried him upstairs and I think Mr William Stewart assisted him in bringing him upstairs. In a very short time he entirely recovered consciousness and perfectly rational and perfectly intelligent, and I sat down beside him and these gentlemen were present all this time, at no period from the moment of Mr Bishop's illness until his death was I ever alone with him, at no period within my memory were there ever less than two gentlemen present at the time, and then Mr Bishop spoke very freely of his physical condition, he was fond, I believe, of consulting doctors--

Heels
Mr ~~Maddens~~ moved to strike that out.

Motion granted.

A Mr Bishop spoke of his symptoms, of various unfortunate diseases which he had contracted, and he told me he had been attended by Dr Robert Weir of this city and he had been attended in London by Mr Jonathan Hutchinson who is a famous specialist there, and he took from his purse a prescription which had been written for him by Dr Hutchinson of London, showed it to me and he discussed his various diseases, I think Mr Sullivan and Mr Ward were present during all this, he asked me to make certain examinations of

**POOR QUALITY
ORIGINAL**

0000

his excretions and so on, which I had no desire what ever to do. I warned him in the strongest way that his performance was of a highly dangerous character, his whole condition was highly abnormal.

Q What did you say and what did he say in answer to what you said?

A I said to him there were changes taking place in his brain, the result of the diseases he had contracted many years before, and he had evidence at that time of such changes in the brain as occurring from that disease and the symptoms of it were to me evidence at that time and I told Mr Bishop that if he did not place himself under treatment and if he did not give up the performances which led to this great excitement he would lose his life, and I told him probably then such changes were taking place in his brain and the appendage of his brain. He said to that "I suppose you will find that out at the autopsy."

Q He said he supposed you would find it out at the autopsy?

A That is my recollection of his words.

Q Who were present at that time?

A I am not sure if Mr Sullivan was present, Mr Ward I know was.

Q How long before his death was that?

A I think as well as I can remember that I entered the building after twelve o'clock, because I know it was half past eleven when I was called away from my own office and I had in the meantime visited a patient, and I think that probably I entered the building about a little after twelve o'clock and this conversation took place probably within half an hour afterwards, probably about one o'clock, be-

**POOR QUALITY
ORIGINAL**

0001

tween half past twelve and one o'clock.

Q You say you knew Bishop for ten years prior to this?

A I can't say that I knew him. I met him under peculiar circumstances in Liverpool and I attended him then entirely by accident and without fee, simply that I was staying in the same hotel in Liverpool.

Q Did you know anything about Mr Bishop's family?

A Never had the slightest idea of his family.

Q Did he ever say anything to you about a mother, wife or child?

A No. You could hardly expect that he would, I didn't know him sufficiently intimately.

Q Dr Ferguson performed this autopsy, did he?

A Certainly he did.

Q Did you go to see him?

A I went to see Dr Ferguson, certainly.

Q Did you communicate to Dr Ferguson what Mr Bishop said to you?

A Not that I remember.

Q Did you tell him what your suspicions were regarding the man's symptoms and cause of death?

A We discussed the cause of death, but I don't remember what we said.

Q Dr Ferguson conducted this autopsy?

A Entirely.

Q Was anything more done than was necessary to ascertain the cause of death?

A Certainly not.

Q And did the autopsy develop the cause of death?

**POOR QUALITY
ORIGINAL**

0002

A Microscopically it did, subsequently. I must say that of this I have only hearsay, Dr Ferguson never handed me the report of that autopsy until I saw him in Court this morning.

Q When you say microscopically, were there hemorrhages of the brain?

A There were microscopic hemorrhages.

Q And were they due to what you told him?

A That had to be confirmed subsequently by the examination.

Q Did it confirm what you told him?

A I understand it did entirely.

Q Will you tell the jury what happened that convinced you of Bishop's death, and the immediate circumstances prior to that time?

Objected to.

Q Do you remember the circumstance about Mr Woolsey at the time you were about to leave the Lambs' Club after this conversation had taken place with Mr Bishop?

A I remember as well as anyone can remember everything that took place.

Q Do you remember Mr Woolsey calling you back?

A Mr Woolsey was in the room I think during more or less probably the last six or eight hours of Mr Bishop's life.

Q When you were about to leave Bishop, Bishop and Woolsey were together, were they not?

A No, I don't think so, I don't think Mr Woolsey was present at that time.

Q Was he present the next day?

A He was present all the night, he was in the room.

**POOR QUALITY
ORIGINAL**

0003

Q Do you remember the incident when you were called back by Mr Woolsey?

A That did not occur until nearly four or five o'clock in the morning.

Q Will you repeat that?

A Mr Bishop's condition was not a dangerous one at all during the earlier part of the evening, he simply had fits of a hysterical cataleptic character, of which people very seldom die, and there was no immediate danger of his death at that time and I don't think Mr Bishop himself at that time had any immediate fear of death and I certainly had no anticipation of it, and I told those around him he would be all right, and he was perfectly rational and conscious for probably an hour at the time this first conversation took place. After that he had more fits and he continued in these fits off and on until to the best of my memory about half past four o'clock in the morning. At no time was he entirely unconscious for ten minutes at a time. He was in a condition of mainly hysteria. Every now and then he sat up and he tried to bite himself, he did, I believe, bite Mr Ward, and five or six gentlemen who were around him prevented him hurting himself, he was laid out, I was among them, and remained with him all the time, and at no time during that period did I ever see Mr Bishop in any condition whatever resembling a trance. There was no trance about it. He was struggling on the floor at times and then he would remain quiet and then he would speak, he would speak of a daughter taken from him, and he mentioned Dr Weir's name, and I believe he recognized Mr Charles

**POOR QUALITY
ORIGINAL**

0004

Thomas when he came in about three o'clock in the morning. He had these fits at intervals to the best of my memory of probably ten or twelve minutes, but there were four or five gentlemen present all the time, and about half past four o'clock in the morning or five o'clock in the morning I had told these gentlemen I didn't think there was any necessity for us all to remain there, that he was in no immediate danger, and I was preparing to go home, and Mr Woolsey who was standing by Mr Bishop at the time called out to me Doctor, what did you say his pulse was, or words to that effect. And I replied that his pulse was very rapid, I thought it was probably 120 or thereabouts, and Mr Woolsey said you are mistaken, or words to that effect. And I remember some joke in which I said to him I think I can count a pulse, and he said his pulse is very slow now. And I went over and examined him again, and I found he had some hemorrhage or rapid change in the brain at that time, and I told them I believed he was in a serious condition and was dying. And at that time I sent off at once for Dr Lee and Dr Weir, and Dr Lee arrived I think at a period earlier than he said here, I think he must have been there about half-past six o'clock, and Dr Weir sent word that he would come in the afternoon. And I despatched another messenger and then he sent word that he didn't treat such cases, he only practiced surgery, and he preferred not to see the case. At the same time I inquired from those around if anybody knew anything about Mr Bishop's relatives. Nobody there knew anything about his relatives, but they knew

**POOR QUALITY
ORIGINAL**

0005

that Mr Ritchie who was his manager or had been his manager was staying at the Gedney House, and I immediately had a cab despatched for Mr Ritchie and he arrived probably an hour after this time, and as soon as he arrived I at once asked him what he knew of Mr Bishop's relatives and I told him he was probably dying and he had better at once communicate with them, which I understood he did, he did all he could to find the address, and subsequently I sent for Dr Hance to assist me. I don't think Dr Hance's evidence was perfectly plain on that matter. Dr Hance at that time was in the habit of assisting me in professional matters and I sent for him to relieve me, I had a great deal of work to attend to in the early morning, and the messenger came back and said that Dr Hance was out. And later in the day he called at my office and explained why he had not come to me and it was in that way I told him there was going to be a post mortem and asked him to be present. In the earlier part of the evening I wanted to go home. I have been entirely misrepresented as having a desire to make a post mortem.

Q Who suggested Dr Ferguson?

A Dr Lee did. I never met Dr Ferguson before. When the question of an autopsy came up I said to Dr Lee that it seemed Mr Bishop wished an autopsy and that the general desire seemed to be as far as I knew that an autopsy was desired, and that I did not make them myself, I had not done so for many years, and who would be a person to attend to this matter. And I remember Dr Lee saying don't you know your countryman Dr Ferguson. And I said no, I never met

**POOR QUALITY
ORIGINAL**

0006

him. And he said Dr Ferguson was the best known Pathologist, or words to that effect, in New York at the time. And it was in consequence of that that Dr Ferguson was subsequently sent for. And so far as I was personally concerned I never touched Mr Bishop in any way after his death. The treatment was as described by Dr Lee. The Gaith Induction Coil, the strongest current of which any person here could stand without inconvenience, was the only electricity applied to Mr Bishop. I had desired to go home early in the evening and Mr Bishop begged me to remain. Mr Bishop I think in the presence of two or three witnesses put his arm around my neck and said he wished to place himself entirely in my hands and I was to send for no one else. At the time I wanted to send for Dr Lee and Mr Bishop appealed to me in a way that I could not refuse and I remained.

Q Did you get any fee for attending Bishop?

Objected to.

Question excluded.

Q What was the purpose of holding this autopsy?

A The main purpose in my mind was that Mr Bishop wished an autopsy and that Mr Bishop looked upon himself so far as I learned from those around me---

Q I ask you what was the purpose of it?

A To determine the exact cause of death, of course.

C R O S S E X A M I N A T I O N by Mr Maddona:

Q You say you met Mr Bishop first in 1879 in Liverpool?

A That is my recollection.

**POOR QUALITY
ORIGINAL**

0007

Q After that when did you meet him next?

A Only once in the interval that I remember.

Q From 1879 when you attended him in Liverpool down to the 12th of May, 1889, you had met him but once?

A I think but once.

Q And had never treated him professionally during that period?

A No, sir.

Q On the evening of Sunday the 12th of May, 1889, you dropped into the Lambs' Club late in the evening?

A No, on the morning of the 13th. It was after twelve o'clock.

Q And there you found a party of congenial spirits enjoying themselves with Mr Bishop's entertainment?

A Yes, sir.

Q While there did you drink anything?

A I don't think so. Not that I remember.

Q Did anybody in the party while you were there drink anything?

A I don't think anybody did, because the performance was going on, it was not the time when it would be likely.

Q Not while you were there at all?

A I can't give evidence as to that.

Q Well, as to yourself?

A There were probably a hundred gentlemen or more in the room and they may have drunk something, no doubt they did.

Q When you got there, Mr Bishop was giving a performance?

A Yes, sir.

Q When you arrived there early that Monday morning shortly

**POOR QUALITY
ORIGINAL**

0000

after midnight of Sunday you found Mr Bishop performing,
and after that performance he asked you to feel his pulse?

A Yes, sir.

Q And you advised him then that in view of the condition in
which you found him he had better not perform any other
feat?

A Yes, sir.

Q But he disregarded your advice and performed another of his
tricks even more marvelous apparently than the others and
then had this cataleptic fit?

A Yes, sir.

Q And you then removed him upstairs?

A Yes, sir.

Q At that time you did not consider him seriously ill?

A No, sir.

Q At about what hour did you consider that his illness was
serious?

A At this very definite remark that Mr Woolsey made when he
called my attention to him at about, I think, half past
four o'clock, between half-past four and five o'clock, per-
haps earlier.

Q Was it before that time or after that time that he spoke
to you about his daughter?

A He never spoke to me about his daughter. That was in his
partial delirium, at the time that he was in these fits.
At intervals he sat up and spoke. He spoke not rationally
then, then he spoke in a semi-delirium.

Q He spoke about his daughter while you were there?

A Yes, sir.

POOR QUALITY
ORIGINAL

0009

Q And you heard him speak about his daughter?

A Yes, sir, I did.

Q Then you remained with him until what time?

A Until his death, to the best of my memory, a little before noon, sufficiently near noon to be called noon.

Q And at what time did you call on Dr Ferguson first?

A Probably about two o'clock.

Q Then two hours after his death you called upon Dr Ferguson?

A Certainly.

Q And what hour did you arrange with Dr Ferguson the autopsy should be performed?

A I can't say that I arranged at all with Dr Ferguson, he fixed the time.

Q Did you request Dr Ferguson to perform the autopsy?

A I told Dr Ferguson the circumstances of the case.

Q Did you request Dr Ferguson to perform an autopsy?

A Not in those words. I told Dr Ferguson all the circumstances of the case.

Weeks
Mr ~~Maddox~~ moved to strike out that answer and asked that the witness be instructed to answer yes or no.

A I can't say that I requested him, and I can't say I did not request him. I stated the circumstances of the case to him.

Q Do you mean to say that you can't answer that question yes or no whether you requested him to perform an autopsy?

A I don't think I can.

Q You had a conversation with Dr Lee?

POOR QUALITY
ORIGINAL

0010

A Yes.

Q You told Dr Lee that you were not in the habit of making post mortems. Is that true?

A I believe so.

Q Is it true, yes or no.

A I can't remember the conversation that occurred over three years ago.

Q In substance, is that true?

A I presume I told Dr Lee that.

Q And is it true that Dr Lee recommended to you Dr Ferguson as an eminent pathologist competent to perform an autopsy?

A Certainly.

Q Is it true that as the result of that conversation with Dr Lee you called upon Dr Ferguson?

A As a result of several conversations.

Q With Dr Lee?

A Not alone.

Q As a result of conversations with other people then and Dr Lee, all of those conversations relating to Dr Ferguson's ability to perform autopsies, you called upon Dr Ferguson?

A No, in relation to the advisability of having an autopsy made.

Q All of those conversations relating to the performance of an autopsy?

A Yes.

Q Prior to that time you had never met Dr Ferguson?

A No, not that I am aware of.

Q And when you called upon Dr Ferguson at about two o'clock on Monday did you speak with him about an autopsy upon the

**POOR QUALITY
ORIGINAL**

0811

. body of Mr Bishop?

A Certainly.

Q Had Dr Ferguson known of Mr Bishop's death prior to your call upon him?

A No, sir.

Q Now I renew my question. Did you request Dr Ferguson to perform an autopsy upon Mr Bishop?

A I told Dr Ferguson it was desirable that he should do so.

Q Did you, yes or no?

A I simply say that I stated the circumstances to Dr Ferguson, but I can't say that I made a personal request of him because I didn't care whether he did it or not. I told him the circumstances of the case, and said that he was the person supposed to be the best man to make this autopsy

Q Did you tell Dr Ferguson where the body would be?

A Of that I am not certain. I don't think I knew myself.

Q Did you tell him you would tell him where the body was?

A Of course, I gave him to understand he would be communicated with.

Q Did you say anything to him about his fee for doing the work?

A I told him that as far as I knew he might never be paid, that he must take his chances, that he must not hold me responsible for the fee.

Q Why did you imagine that he would hold you responsible for the fee if you did not ask him to perform it?

A It was to say that I did not ask him. I told him the circumstances and told him he must not look to me for the fee in the matter as it was uncertain whether he would be paid

**POOR QUALITY
ORIGINAL**

08 12

or not. I had reason for doing so from what was said to me earlier.

Q You did have a conversation with Dr Lee about the performance of an autopsy?

A The question was discussed.

Q Did you not ask Dr Lee whether an autopsy could be performed legally?

A I believe I did.

Q You had a conversation with Dr Lee about the legal requirements of an autopsy?

A I think I asked his opinion.

Q And he said he didn't know the law?

A No, he said he thought an autopsy was the proper thing under the circumstances.

Q You remember clearly discussing with him as to whether it would be legal to hold an autopsy?

A As to whether it was proper. We were not thinking of the legal question, we were thinking of doing the best thing we could under the circumstances, the best thing for the deceased person.

Q At what time did you make a certificate of the cause of death?

A I think about two or half-past two o'clock in the afternoon, as soon as the certificate was presented to me by the undertaker I filled it in.

Q That was before any autopsy was performed?

A Yes, sir.

Q You didn't hesitate to give a certificate of death stating the cause of death?

**POOR QUALITY
ORIGINAL**

0013

A Yes, I did hesitate.

Q How long did you hesitate?

A I can't tell.

Q Long enough to spell out the words and put them down?

A That was not a difficult matter for me.

Q Did you?

A I did hesitate.

Q I say long enough to spell out the words and put them down?

A I don't think I devoted any length of time to the matter.

Q Not much longer than that, did you?

A I don't think so.

Q And you gave the undertaker a certificate stating over your signature the cause of death?

A The statement in the certificate can hardly be taken as a cause of death. I stated in the certificate that the death occurred in coma following hysterio catalepsy.

Q That was the cause of death, hysterio catalepsy followed by coma?

A The question might be open to criticism.

Q Did you ever modify your certificate of death?

A No.

Q Have you yet modified it?

A No.

Q Do you desire to modify it?

A It is entirely out of my hands.

Q Would you modify it if you had the opportunity now?

A I certainly should be slow to state the true cause of death

Q You would state the same cause of death now, would you not?

A I appeal to your Honor not to be pressed. There were

**POOR QUALITY
ORIGINAL**

0014

other causes of death which might be stated in the certificate.

Q That you would state to-day?

A It is a question whether I would. What I stated then was with a view to saving the reputation of the deceased person.

Q That is what you would state to-day?

A No, it is not what I would state to-day.

Q Do you remember testifying at the coroner's inquest?

A I do.

Q Do you know anything more about the cause of Washington Irving Bishop's death to-day than you did then?

A In a measure I do, for I have just received for the first time the report of the autopsy.

Q You were present at the autopsy?

A The results were only made manifest by microscopic examination.

Q You were present?

A At the first I was, but not at the microscopic examination that followed.

Q You knew what was discovered at the autopsy?

A No, sir, because it was only after the parts were examined by the microscope that all the scientific results of the autopsy were determined and I had no report of them until Dr Ferguson handed them to me this morning. But I know what caused the pathological changes.

Q Wasn't the cause of death in any event the congestion of the blood vessels of the brain?

POOR QUALITY
ORIGINAL

08 15

- A It was the bursting of microscopic blood vessels.
- Q And that was the result of hysterio catalepsy?
- A Not alone.
- Q It was the result of hysterio catalepsy that the blood vessels you claimed to have been weakened somewhat by other causes but the real cause of death was the hysterio catalepsy producing the rupture of the blood vessels of the brain?
- A The immediate cause of death was. The remote cause was the change of blood vessels which had taken place long before.
- Q And if you were to certify to-day you would certify in just such cases the immediate cause of death and you would not go back to the secret cause of death?
- A No. We are supposed in certificates to state the immediate and the remote causes of death. The immediate cause of death was hysterio catalepsy resulting in bursting of blood vessels.
- Q And you knew that without the necessity for an autopsy, did not you?
- A Not with certainty. We don't know those things with certainty. I suspected what we should find.
- Q Do you know the cause of death in any case to a certainty without an autopsy?
- A In some instances we do.
- Q Except where it is the result of violence?
- A In certain pathological changes we do.
- Q You know it absolutely without an autopsy?
- A Absolutely if I am present without an autopsy.

**POOR QUALITY
ORIGINAL**

0015

Q You have reduced the medical science to a much greater exactness than anybody I ever heard of before.

A I think some of my professional brethern will agree with me on that point any time they are asked.

Q How many cases in your practice, in what percentage of cases in your practice are you enabled to state with certainty the cause of death without an autopsy?

Defendant's Counsel objects to this line of examination.

Objection sustained.

Q Do you remember testifying at the coroner's inquest that you inquired of Dr Lee whether the autopsy could be legally held without the permission of the coroner or next of kin?

A It is quite possible I did. I had a conversation with Dr Lee in which that might easily have been said.

Q Had you prior to Mr Bishop's death or prior to this autopsy had any communication whatever with any of Mr Bishop's family?

A I was unaware of them.

POOR QUALITY
ORIGINAL

0017

C H A R L E S M. W A R D, a witness in behalf of defendant
having been duly sworn testified: -

BY MR PAGELOW:

Q Where do you reside?

A In New York City.

Q Are you a member of the Lambs' Club?

A I am not.

Q Were you at the Lambs Club on Sunday the 12th of May?

A Yes.

Q Did you see Mr. Bishop there?

A Yes.

Q Were there a number of other gentlemen there at that
time?

A Yes.

Q Was there a conversation in which Mr Bishop took part
in which the question of an autopsy was spoken of,
and if so just state what that conversation was.

A The conversation that occurred occurred in one of the
rear rooms of the Lambs Club. Mr. Bishop, was taken,
after performing the first of these experiments, with
a seizure, and I standing with him carried him up-stairs
in my arms. I laid him on the lounge which was close
to the wall like that wall and then the seizure became
violent, he striking and even biting. I straddled him
as I would a horse and held him down. Although I am a
heavy man and he was a very light man he bit me right
here across the waistcoat in evening clothes. He came
out of that trance in a very short time, whatever the
seizure was, and Dr. Irwin came up-stairs and then a

POOR QUALITY
ORIGINAL

0018

certain general conversation took place. Mr. Bishop had something to drink and we came to discussing this performance of his. During this discussion somebody asked him to what he ascribed his mental power and he said that that would probably be discovered in the autopsy.

Q You say that was on Sunday the 12th?

A That was on the night of the seizure.

Q And after the first seizure?

A After the first seizure. He was asked the question, to what he ascribed his great mental power, that was his power of discovering hidden words, and he said that would probably be discovered in the autopsy. Dr. Irwin I think was present in the room. He had come up-stairs after I had carried him up.

Q After that he went on to give a further performance?

A After that he insisted on making another experiment and was removed to another room where the second seizure took place.

Q Do you remember who besides yourself was present when this conversation occurred?

A I think Mr. Stewart.

Q Do you remember anybody else?

A I think the Dr., that is all.

Week
CROSS EXAMINATION BY MR. MACDONALD:

Q Were you intimately acquainted with Mr. Bishop?

A I never saw him before in my life.

Q At the time he made this remark he had recovered from

POOR QUALITY
ORIGINAL

0019

his first fit?

A Yes.

Q And was sitting there talking rationally, perfectly conscious and talking, and drinking in fact?

A Yes, sir.

Q What is your business?

A I am one of the general agents of the New York Life Insurance Company.

Q And where do you live, what part of the City?

A I have an apartment at 784 Fifth Avenue, at least my family have an apartment, at present I am stopping at Seabright, New Jersey.

AUGUSTUS THOMAS, a witness in behalf of defendant having been duly sworn, testified: -

BY MR Pagelow:

Q Where do you live?

A New Rochelle.

Q What is your business?

A I am a play-wright.

Q Did you know Washington Irving Bishop?

A Yes, sir.

Q Did you know him shortly prior to his death and did you have any business connection with him?

A I was his advance agent during the two months preceding his death.

Q And who was his manager?

**POOR QUALITY
ORIGINAL**

0020

A Mr. Ritchie.

Q You were giving performances throughout the country?

A Yes, sir.

Q You were with Mr Bishop every day?

A Not every day, two or three times a week however.

Q And how long before this business relation commenced between you did you know him?

A That was the first of my acquaintance.

Q You had many conversations with Mr Bishop during your business career with him?

A Yes, sir.

Q Did you ever have any conversation with him or were you present at any conversation in which Mr Bishop spoke of an autopsy?

Obj ected to.

A Yes.

Q Was there anybody else present besides you?

A Yes.

Q Will you state what that conversation was?

Obj ected to.

Q You were communicated with by Dr. Irwin?

A Yes, sir.

Q And before the autopsy was held?

A Yes, sir.

Q And in your conversation with Dr. Irwin you detailed to him what you had heard Mr. Bishop say in regard to an autopsy?

A Yes, sir.

Q Now how long before this autopsy was held did you so

POOR QUALITY
ORIGINAL

0021

I
tell the Doctor?

A I think about half past twelve of Monday.

Q State what the conversation was?

A Mr. Bishop had died, and a number of gentlemen were discussing the question of an autopsy on the stairway of the Lambs Club when I came from his room where I had been sitting with the body of Mr Bishop, and taking part in this conversation I repeated what I had frequently heard Mr Bishop say, and which seemed to be a stock remark of his in reply to any questions regarding his ability, and that was that probably nothing but an autopsy would show wherein lay his ability.

Q Were you present at the conversation had with the Doctor?

A That he had with the Doctor, no. I did not go to the Lambs Club until about an hour before he died.

Q How often have you heard Bishop say that?

A I suppose about twenty-five or thirty times.

CROSS EXAMINATION BY

Q It was part of his stock in trade to say that?

A No, I don't regard it that. He was frequently asked a great many questions which were the same, and his replies were always similar, as his exhibitions were always similar.

POOR QUALITY
ORIGINAL

0022

W I L L I A M C. S T E W A R T, a witness in behalf of defendant
having been duly sworn, testified:-

BY MR PAGELOW:

Q What is your profession?

A A lawyer.

Q Did you know Washington Irving Bishop?

A I met him the night of his death.

Q Where did you meet him?

A At the Lambs' Club.

Q Were you present at any conversation between Mr Bishop and
yourself or other gentlemen in which Mr Bishop expressed
himself in regard to an autopsy upon his body?

A I was present when he made that remark after the first exhibi-
tion that he gave. He selected me to help him find the ob-
ject that was hidden, and after it was over either I or
someone else asked him the question if he thought there was
something peculiar about his brain, how he explained the
wonderful power he had shown. He said that the autopsy
would show that.

Q Was that after he had had his first fit?

A Before he had his first fit. He had not had any fit at all
at that time.

Q Was that after he had performed his first feat?

A Yes, of finding a knife.

Q Did you repeat that statement to Dr. Irwin?

A Yes.

Q That night?

-42-

A Pract ically that night. It was all one section of 24 hours.

POOR QUALITY
ORIGINAL

0023

Q Did you repeat it to him before the autopsy was actually held?

A Yes.

NO CROSS EXAMINATION:

J O H N G. R I T C H I E, a witness in behalf of defendant
having been duly sworn testified: -

BY MR PAGELOW:

Q What is your business?

A Theatrical manager.

Q Were you ever connected in business with Mr. Washington Irving Bishop?

A Yes, sir.

Q How long prior to his death and for how long a period?

A Nine weeks.

Q What were your relations?

A Manager

Q You were his Manager?

A Yes, sir.

Q In conjunction with the last witness or the witness before the last?

A No, he was my agent in advance.

Q Were you ever present at any conversation in which Washington Irving Bishop expressed himself as to the holding of an autopsy on his body?

A Yes, sir.

Q Any number of them?

POOR QUALITY
ORIGINAL

0024

A Many.

Q Did you ever communicate those conversations to Dr. Irwin prior to the holding of the autopsy in this particular case.

A In a general way, yes, sir.

Q Were you sent for by Dr. Irwin on the occasion of Washington Irving Bishop's death?

A Yes, sir, he sent a coupe for me about 5 o'clock in the morning to my hotel.

Q Will you state what you heard Mr Bishop say in regard to an autopsy on his body?

Objected to.

Q What did you tell Dr. Irwin in regard to anything that Bishop had said about an autopsy?

A It was a general discussion among five or six of us who were present at the time, and the doctor asked our opinion about the autopsy, and we told him exactly what we had heard, that he had expressed himself in that way as expecting an autopsy would be made.

Q And you told the doctor what you heard Bishop say in that respect?

A Yes, certainly.

Q And you say you heard him say it many times?

A Many times.

CROSS EXAMINATION BY MR MACDONA:

Q You didn't tell the doctor that you heard Bishop say he expected an autopsy would ascertain the cause of death; was it not rather that he said that an autopsy would give the

POOR QUALITY
ORIGINAL

0825

reason of his wonderful power/

A I don't know that I gave that very much thought at the time.

Q What was it that you heard Bishop say; that an autopsy would reveal the secret of his powers?

A Yes.

Q You never heard him say that an autopsy would be necessary to reveal the cause of death?

A No, I don't think I did.

Q It always related to his powers, when he referred to an autopsy?

A It was on those occasions certainly that he was accustomed to say that.

Q When people asked him how he did these things he said an autopsy would reveal my wonderful powers?

A No, that will only be revealed when I am dead.

RE-DIRECT BY MR PAGELOW:

Q I understand you were sent for when Bishop died?

A Yes, sir.

Q You had known Bishop how long?

A Fourteen or fifteen years.

Q In that time had he ever spoken to you of a wife or child or Mother?

A I travelled with his wife for nine weeks.

Q Did he ever tell you anything about the residence of his relatives?

A No, sir.

Q Did you ever know them?

POOR QUALITY
ORIGINAL

0026

A Only his wife. I sent a message to his wife.

Q Informing her of the death?

A Yes.

Q Did you know of the existence of his mother at that time?

A No, sir.

RECROSS BY MR. ^{Weeks} ~~MACDONALD~~:

Q Did you tell Dr. Irwin that you knew Bishop's wife?

A Yes, that was about the first thing that Dr. Irwin asked me when I came to the Lambs' Club. He asked me do you know where Mr Bishop's relatives are, and I said no, his wife is in Philadelphia, but Bishop gave me the address for any correspondence at the Continental Hotel, and I immediately dispatched half a dozen or a dozen messages to different people to find out the address in Philadelphia, of his wife.

Q At Dr. Irwin's suggestion?

A Yes, at Dr. Irwin's suggestion.

Q How long before this Monday the 13th, had you seen Mrs Bishop?

A I think about ten or eleven days. I left here sick in St. Paul, and came down to St. Louis with Mr Bishop. Mr Bishop went back to St. Paul for his wife, and I came to New York. We had made an engagement to meet at twelve o'clock on the Monday on which he died. He died at ten minutes after 12 or about that. We were to have met at that hour.

DEFENDANT RESTS.

THE PEOPLE REST.

**POOR QUALITY
ORIGINAL**

0027

Defendant's counsel moves that the Court direct a verdict of acquittal on the ground that the uncontradicted testimony shows that the autopsy was had with the permission and consent of the deceased.

The Court: You renew the motion you made at the end of the People's case.

Defendant's Counsel: I renew the motion to direct a verdict.

Motion denied. Exception.

Adjourned to Wednesday, June 29, 1892, at 11 o'clock.

New York May 29/89.
Circuit Court of Death of
Washington Irving Bishop

The the Jury agree

1st

That Washington Irving Bishop
died at the Lambs Club on
13th day of May 1889.

2^d Cause of Death was
Coma

3^d We further find that while Drs
Irwin, Ferguson & Vance
acted in good faith, in
performing the Autopsy upon
the body of Washington Irving
Bishop. We would state that
Dr Irwin through over Zealousness
has acted in some haste
respecting the direction of the
performance of the autopsy
Respectfully submitted.

POOR QUALITY
ORIGINAL

0029

Testimony in the
Case of
John A. Brown

filed
June 1889.

155-62

Ferguson
Winn

POOR QUALITY
ORIGINAL

0030

COPY.

EDITORIAL.

THE MEDICAL RECORD:

New York, October 19, 1889.

News of the Week.

RESOLUTIONS OF SYMPATHY FOR DRs. IRWIN, FERGUSON, AND HANCE.—At the recent Meeting of the Society of Medical Jurisprudence and State Medicine, a resolution was unanimously passed denouncing the unjust persecution of Drs. Irwin, Ferguson, and Hance in the Bishop autopsy matter, and expressing sympathy with, and confidence in, these gentlemen. This is as it should be, and is in perfect accord with the sentiment of the profession here and abroad. These gentlemen are beyond the suspicion of wrong-doing, the charges against them are absurd, and the proper thing for the prosecuting parties would be to exonerate the defendants promptly and effectually. Let us have an end to this uncalled-for and unjust persecution.

COPY.

EDITORIAL.

The British Medical Journal.

SATURDAY, JUNE 22ND, 1889.

THE CASE OF MR. BISHOP.

DR. IRWIN, who performed the *post-mortem* in the case of the late Mr. Bishop, and who has in consequence been made the subject of much public attack of an apparently violent and unreasonable kind, is an English Physician of great ability and sound judgment, who has held responsible positions in this country. He is an M.A. of Cambridge, and an M.A. and M.D. of the Dublin University, and Member of the Royal College of Surgeons of England. He was formerly house surgeon at the Royal Free Hospital, and subsequently assistant medical officer of the Salop and Montgomery Counties Asylum, and physician to the Manchester Southern Hospital for Women and Children. He is a man of great strength of character and capacity, and not likely to have been misled in the performance of his duty in such a case.

POOR QUALITY
ORIGINAL

0031

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss:

AN INQUISITION

Taken at the City Hall

No.

Street, in the

Ward of the City of

New York, in the County of New York, this 23.24.27.28.29 days of May

in the year of our Lord one thousand eight hundred and 89 before

FERDINAND LEVY, Coroner,

of the City and County aforesaid, on view of the body of Washington I. W. Bishop
now lying dead at

Upon the Oaths and Affirmations of

Twelve good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner
the said Washington I. W. Bishop came to his death, do upon
their Oaths and Affirmations, say: That the said Washington I. W. Bishop
came to his death by

Coma at the Lamb

Club on 13th day of May 1889. We further find that while
Drs. Irwin, Ferguson and Stance acted in good faith in perform-
ing the Autopsy upon the body of Washington Irving Bishop, we
would state that Dr. Irwin through over zealousness acted in some
haste respecting the direction of the performance of the Autopsy.

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

JURORS.

Morris A. Wagner
218 E. 47th St

Chauncey D. Newell
49 Leonard St

Louis de Plan
28 W 24th St

Richard E. Weaver
1 Bayley St

Wm. J. Jones
49 Broadway

Alfred J. Lane
400 Broadway

J. M. S.
44 Maiden Lane

Morris Stern
5 Astor House

7 Astor House

Gabriel L. Bion
431 Broome St

Leopold Weil
35 Maiden Lane

William Henry Dietman
347 W. 72nd St

Ferdinand Levy
CORONER, E. S.

0032

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
			New York	8 Sixth Ave	May 18 th

33	Years	Months	Days	New York	8 Sixth Ave	When Reported May 18 th '89
----	-------	--------	------	----------	-------------	---

F. L.

Ms. 606

Zurich, Zueri.

1887

AN INQUISITION

On the VIEW of the BODY of

Washington D.C. Beach

whereby it is found that he came to
his death by

Cornia

Tring taken on the 23.24.27.28.29 days

Wiley
1889 copy

FERDINAND LEVY, Coroner,

609

STENOGRAPHER'S MINUTES.

BEFORE

Provi et al

189

WITNESSES

Direct. Cross. Re-Direct. Re-Cross

J A Irwin
Frank Ferguson

POOR QUALITY
ORIGINAL

0034

D R. J. A R T H U R I R W I N, recalled.

Q. What led you to perform this autopsy? A. The complex condition of thought, sir, that led me to believe it was desirable and the proper thing.

Q. What motive, if any, led you to perform this autopsy upon the body of Bishop? A. To determine the minuter causes of death.

Q. It was not in the interest of science, was it? A. No sir, not at all in the interest of science.

Q. It was not because you suspected or thought that by an autopsy would be discovered some peculiar physical formation in the brain, heretofore unknown to medical science? A. Certainly absolutely not. I would be a fool to have such an idea.

Q. Were you a believer in the fact that Mr. Bishop had some occult power? A. I was not a believer in any such thing.

Q. Did you believe before the performance of that autopsy, and don't you now believe the cause of death was hystero-catalepsy? A. The cause of death was coma as certified to by me.

Q. You were satisfied of that before the autopsy

POOR QUALITY
ORIGINAL

0035

2

was performed? A. I was satisfied of it as far as one could be satisfied without internal examination.

Q. Was there any doubt in your mind as to the cause of death before the autopsy? A. As to the pathological effect of hystero-catalepsy there was doubt.

Q. Have you not stated in your direct examination, Doctor, that this man died in the usual way. There was no question about his death. He gradually sank to a state when death was easily perceptible and noticeable by any physician of your experience and ability? A. The coma was perfectly ordinary coma, constantly seen by every physician. The coma from which Mr. Bishop died was ordinary coma, no different from the coma which every physician has frequently seen. His condition before that had been hystero-catalepsy. The method by which the hystero-catalepsy led into the coma was not certain to my mind at that time, and therefore I certified coma following hystero-catalepsy.

Q. There was nothing mysterious about this case?

A. Not that I am aware of except it was an unusual case.

Q. It was easily ascertainable by you almost the moment the man died--nothing peculiar about the manner of death? A. Nothing.

**POOR QUALITY
ORIGINAL**

0036

3x

Q. You didn't refer to this as a very mysterious case or a very peculiar case? A. You are connecting two words which may contradict each other. It was a peculiar case very rare one; nothing mysterious about it.

Q. In regard to the form of death or the cause of death there was nothing peculiar about this case, was there A. Certainly there was.

Q. Didn't he die in a manner as to leave no question on your mind that he was dead? A. Are you speaking of his death or disease. His method of death, that is the absolute fact of death, and the time which immediately preceded it--the state of coma was ordinary and had been seen by me many times before.

Q. So as to leave no doubt in the mind of a physician of your experience and ability that the man was dead. A. No doubt whatever.

Q. And to ascertain what the cause of death was-- Didn't you testify earlier in your examination that this man died from hystero-catalepsy, and that the autopsy was not held for the purpose of determining what that cause was? A. I did not testify before to anything of the kind. I wrote a certificate which still holds.

POOR QUALITY
ORIGINAL

0037

4

Q. Didn't you say to Dr. Lee that this had been a singular case, a very peculiar case, and that you thought an autopsy was advisable under the circumstances? A. I told Dr. Lee what was the fact, that the ~~talks~~ ^{effects} in the earlier part of the evening were very unusual, very rarely seen in medical practice. I told him the patient had ~~lapsed~~ ^{lapsed} into a state of coma in which Dr. Lee saw him.

Q. Didn't you tell him it was a singular case and you thought an autopsy advisable? A. I told him--

Q. Didn't you convey to his mind the law regarding autopsies? A. I asked Dr. Lee's opinion on the matter.

Q. And having asked his opinion you did proceed to hold this autopsy within four hours after you had announced that life was extinct---I am questioning you now as to whether or not you didn't cause this autopsy to be held within a little less than four hours after you yourself had pronounced the man dead? A. That fact has been repeatedly testified to before.

Q. Didn't you know at the time you held that autopsy under those circumstances that you had no right to hold it? A. I considered that I had a right to hold it.

**POOR QUALITY
ORIGINAL**

0030

5

Q. Were you not informed by Dr. Lee that certain legal formalities were necessary in this State? A. I was informed that it was legal to hold the autopsy.

Q. Is what Dr. Lee testified to in your hearing substantially true? A. I understood Dr. Lee to testify to what I am testifying to now. Following his opinion I held the autopsy.

Q. Did Dr. Lee say to you at that time that he saw no necessity for the autopsy? A. He did not sir.

Q. Did you inquire of him whether the autopsy could be legally held without the permission of the Coroner or the next of kin? A. I did sir.

Q. Did you ask him about the Coroner? A. Yes sir. His reply was that it was perfectly legal in this State to hold the autopsy.

Q. You understood then as a physician that you had a perfect right without any authority from any person whatever, within four hours after death, to hold an autopsy? A. I understood I was doing the proper thing; everything had been done.

Q. How do you account for your haste in the performance of this autopsy? A. There was no haste.

**POOR QUALITY
ORIGINAL**

0039

6

Q. Why did you hold the autopsy so quickly after death? A. Because the autopsy would have lost its value by delay.

Q. Then the value of the autopsy you expected to find in an examination of the brain? A. The symptoms of death were referable to the brain, and therefore the brain had to be examined.

Q. The value of that autopsy you thought would depend upon a speedy examination of the brain after death. A. There was nothing speedy about it. Certainly the examination would be more valuable by being held soon after death than if it had been delayed a day or two days.

Q. You expected to find in the brain of this man the cause of death, did you not, Doctor? A. One of the remoter causes.

Q. Did you expect to find in this brain anything which was peculiar and different from that of the brain of other men? A. No sir, absolutely not.

Q. Did you expect to find any interesting condition in this man's brain which would throw any light upon the manner of his taking off?

Objected to.

POOR QUALITY
ORIGINAL

0040

7

A. I expected to find on examination of the entire body the condition of the kidneys--

Q. It was the contemplated examination of the brain that made you desire to hold the autopsy? A. It was considered right to make an autopsy, which means an investigation of the vital organs.

Q. Don't the brain decay first? A. Usually.

Q. Then it was on account of the speedy disintegration of the brain after death that made you desire that that autopsy should be held earlier than in the ordinary cases, isn't it true? A. Yes.

Q. Then it was the brain that you were particularly anxious to examine in this man and to prevent that decomposition you held this autopsy as early as possible? A. It does not follow.

Q. Then you didn't expect to find any more extraordinary ~~xxxxxx~~ conditions than you did in any other portion of the body; is that so? A. I can't say my expectations had anything to do with it.

Q. Why was it a case where an autopsy should be made?

Objected to.

**POOR QUALITY
ORIGINAL**

0041

8

Q. Have I asked you why you desired to hold an autopsy on the body? A. Four or five times.

Q. Have you answered? A. I think as nearly as possible.

Q. Isn't it a fact that all you have ever said was that you ~~have~~ considered it a proper case? A. I considered it my duty.

Q. And because it was a proper thing? A. Yes.

Q. What other reason did you have, if any? A. That is the reason, I considered it my duty and the proper thing to do, and that includes all.

Q. Can you give us any medical reason why you held this autopsy? A. I can give you no reason which is not included in that reason.

Q. And then the only explanation you have to offer for holding this autopsy is that you considered it the proper thing and you did it? A. I think that--

Q. Have you continuously practised medicine ever since you were admitted? A. With the exception of possibly four or five months.

Q. Have you been engaged in any other business? A. Never, not the last nineteen years; exclusively in

POOR QUALITY
ORIGINAL

0042

9

medicine.

Q. Can't recall, and it is the fact that you have x
never been engaged in any other business? A. It is
absolutely the fact.

Q. You said among the signs of death you found
a rigidity of the muscles? A. That was just immediately
before the post mortem examination made; that was the
rigor mortis.

POOR QUALITY
ORIGINAL

0043

10

D R. F R A N K F E R G U S O N, being duly sworn,
testified as follows:

By Mr. Bowers. Q. What is your profession? A.
Physician.

Q. How long have you been practising that profes-
sion? A. Since 1880.

Q. Where did you graduate? A. Long Island Col-
lege Hospital.

Q. Where have you been practising? A. Brooklyn,
N. Y.

Q. What is your age? A. I am 36.

Q. Have you had any hospital practice? A. I have
been connected with the hospitals ever since I graduated.

Q. What hospitals? A. First with Long Island
College Hospital, next with New York, and from 1883
to 1888 with St. Luke's Hospital and with the House
of Relief from 1880 to the present period.

Q. What has been the nature of your practice?
A. I have in the main been engaged in the examination
of and conducting post mortem examinations.

Q. Have you been engaged in general practice?
A. I have, sir.

**POOR QUALITY
ORIGINAL**

0044

11

Q. How many post mortems have you performed since you have been in practice? A. I couldn't exactly tell you.

Q. About? A. Range from three thousand to thirty-two hundred.

Q. Did you take part in the making of an autopsy on the body of Bishop? A. I made the autopsy there.

Q. Were there any other physicians present? A. Dr. Irwin and Dr. Hance.

Q. How did you happen to make that post mortem? A. I was asked to make it by Dr. Irwin.

Q. Where did he ask you? A. He asked me at the New York Hospital

Q. What did he say to you? A. He said that he called to see me to ask me if I would make a post mortem examination on a patient of his that had died.

Q. What did you say? A. I said I had an engagement, and on that afternoon I didn't know exactly how long my engagement would last, but I thought I would finish at half past three and at that time I expected to call at his office.

Q. When was this that he asked you? A. That was

POOR QUALITY
ORIGINAL

0845

12

about one o'clock in the day.

Q. Of the same day that the autopsy was performed?

A. Yes sir.

Q. Was that all that you heard about the case?

A. That was all at that time.

Q. Did he tell you who the patient was? A. Yes sir.

Q. What did he say? A. Said that his name was Bishop, and that he was a mind reader. I think that is all that I recollect of that conversation.

Q. Where did he tell you the body was? A. He told me, I think it was at the Lambs' Club.

Q. You say you made an appointment to meet him at half past three at his office? A. Yes sir.

Q. Did you meet him there? A. I called there about half past three.

Q. What happened? A. He wasn't in.

Q. What did you do then? A. I was told by a servant--or rather it came through Dr. Hance from the servant--that he was at the Lambs' Club, and both went around there.

Q. Was Dr. Hance there? A. Yes sir.

Q. Whom did you find there? A. We met a number of men there whose names I do not know, but Dr. Irwin had

**POOR QUALITY
ORIGINAL**

0846

13

left immediately before then.

Q. Any message left for you? A. No sir, but I sent a message.

Q. Where did you send the note? A. To Dr. Irwin's office.

Q. How did you know where the body was? A. I was told at the Lambs' Club.

Q. Any request that you should go down there--where did they tell you the body was? A. At Hawk's undertaking establishment, 8 Sixth Avenue.

Q. Did you receive any message requesting you to go there? A. Went of my own accord.

Q. When you got there whom did you find? A. Found some undertakers there.

Q. Was Dr. Hance still with you? A. Yes sir.

Q. Anybody else there beside the undertakers?
A. Nobody else that I recollect just now.

Q. Was Dr. Irwin there? A. No sir.

Q. Did he get in shortly afterwards? A. Yes sir.

Q. Did you wait till he came in? A. Yes sir.

Q. Did you examine the body? A. No sir, I didn't.

Q. You say you performed the autopsy? A. Yes sir.

**POOR QUALITY
ORIGINAL**

0047

14

Q. When you performed it was the man dead or alive?

A. He was dead.

Q. I don't care to go over the details of this performance, as that has been testified to by the undertakers. Did you hear them? A. Yes sir.

Q. Did you perform the autopsy with care? A. Yes sir.

Q. Did you know at all at that time how long Mr. Bishop had been dead? A. I didn't know.

Q. When did you first learn how long he had been dead? A. I really cannot now recall.

Q. Was there anything in his appearance to indicate how long he had been dead? A. No sir.

Q. Did you take any notes of your post mortem? A. Yes sir.

Q. Are these those notes? A. Those are the notes that I compiled of that autopsy.

Q. Is that the original draft? A. No sir.

Q. Where is the original draft? A. Gave it to you sir.

Q. Is that it (showing paper)? A. Yes sir, those are the notes.

**POOR QUALITY
ORIGINAL**

0048

15

Q. When did you give me those? A. I don't know; yesterday, I think.

Q. These original notes I see are made on blanks as if torn from a book? A. Yes sir.

Q. Where did you get the paper? A. Dr. Hance got it somewhere.

Q. At the time of the autopsy? A. Yes sir.

Q. Whose handwriting is this in here? A. Dr. Hance.

Q. Did he take it at your dictation? A. Yes sir.

Q. You performed the entire autopsy yourself did you not? A. Yes sir.

Q. In the ordinary and usual manner? A. Ordinary way.

Q. At the time you performed the autopsy you dictated these particular notes? A. Yes sir.

Q. And you took the notes away with you? A. Some things I note there after going to the hospital/

(Original memorandum offered in evidence.)

By the Coroner. Q. After those notes were written did you examine them to see if they were correct? A. Yes sir.

Q. Found them correct? A. Much the same as I did.

POOR QUALITY
ORIGINAL

00849

16

tated.

Q You say you dictated those notes while you were making the autopsy on the body of Mr. Bishop ? A. Yes sir.

Q. To Dr. Hance ? A. Yes sir .

Q. And did you at that time before leaving the room on the same afternoon read them over or examine them to see if they were correct ? A. Within a very short period of time; probably that night .

Q. Took them home with you ? A. Yes sir.

Q. Looked them over carefully ? A. Yes sir.

Q. Found them to be correct as you dictated them ? A. Yes sir.

By Mr. Bowers: Q. After you had completed the post mortem did you take away with you any portions of the organs of the body ? A. Yes sir.

Q. What, please ? A. I took away with me fragments of the kidneys, of the liver, of the stomach, of the heart and of the brain.

Q. What did you find generally at the time of the examination ? A. In a general way I found at the time of the examination intense congestion of the brain, and the examination of the other organs fairly negative. Of

POOR QUALITY
ORIGINAL

0050

17

course, there was intense congestion of the lower ~~portion~~ portion of the lungs, but I didn't regard that as being very important, so far as the cause of death was concerned.

Q. Did you afterwards make an examination of those portions of the organs that you took away with you?

A. Yes sir.

Q. After you had made that examination did you make a further report of the whole matter?

A. Yes sir.

Q. In whose handwriting is this?

A. Mine.

Q. The whole of it?

A. Yes sir.

Q. And is that the report?

A. That is the report.

Q. Please take this paper and refresh your recollection by looking at it.

Objected to.

By The Coroner: Q. Can you testify without refreshing your memory?

A. I think in a general way

I can testify to the facts in that case without looking

at that paper.

By Mr. Bowers: Q. Proceed, Doctor.

A. The

body was of medium height, with a pale surface, with

post mortem settling of the blood in the sides, most

dependent portion, and as far as I recollect now he had

POOR QUALITY
ORIGINAL

0051

18

a full beard. He had the rigor mortis well marked, excepting at the elbow of the right hand and at the right knee, which led me to make the statement at first that it was slightly marked, but which I afterwards appreciated had been broken up in the handling of the body. I then made my incisions and inspected the peritoneal cavity, and found the relation of the parts there practically normal. I then examined the thoracic cavity, and found that the heart was normal in size, that it was distended with recently coagulated blood, that its structure on section appeared normal, that there was slight athroma of the heart, that there was a slight athromatous patch at the mouth of one of arteries; the valves were normal in structure and normal in capacity. If I remember rightly now there was a slight thickening of the inter . The lines contained an unusual amount in the most dependent portions next to the bed.

I Q. Does that indicate death? A. That indicates that he has either been for a long time durin life on his back or that the blood has settled down after death into the most dependent position. There is nothing that I remember now about the spleen excepting fairly recent adhesions. That is the sign of inflammation. Then

POOR QUALITY
ORIGINAL

0052

19

the kidneys were normal in size, their surface smooth,
nothing wrong
both kidneys congested, and ~~rather~~ that the naked eye
could specially detect with their structure. Then the
mucous membrane of the stomach was slightly thickened, but
in other respects that organ appeared normal. The intes-
tines throughout appeared normal. The liver contained an
amount of fibrous tissue. The bladder contained about
a pint of urine, a portion of which was removed for subse-
quent analysis.

Q. Proceed to the brain. A. The brain, together
with the limiting fibrous tissue next to the skull intensely
or congested, the vessels stood out and unusually
prominent and the ordinary incisions were made in the
brain, and in every incision the blood vessels appeared
unusually distended with blood. There was apparent
softening of the brain in what is called the posterior
canal and also the posterior part of the corpus

Q. You took away portions of the brain? A. Yes
sir.

afterwards
Q. Did you examine them? A. Yes sir.

Q. What did you discover, taking the two examina-
tions together, as to the cause of death, putting it into

POOR QUALITY
ORIGINAL

0053

20

plain language so that the jury can understand. A.? I found on microscopical examination--I discovered in portions of the brain that there were extensive changes in the vessel walls, a large number of small round cells, which are the sign of inflammation along the course of the vessels, and also in the tissues of the ~~brain~~ brain and f a large number of the capillary vessels of the brain with the escaped blood. The larger of these hemorrhages was found in the upper portion of the medulla the hemorrhage was in places in the of the brain, that is the outside, gray substance of it, ~~xx~~ but more abundant in the gray canal at the base of the brain or great master, and especially marked in those parts of the brain which were softened, of which I made a note. In the pons the hemorrhages were fairly frequent and the blood vessels were very greatly distended, and in the upper portion of the medulla---

Q. Is that all? A. That is practically all.

Q. Now, did you discover any disease in the kidneys?

A. Yes sir.

Q. In the liver? A. Yes sir.

Q. Anywhere else A. In the stomach.

Q. What in your opinion was the cause of death?

A. I believe that the cause of death consisted in those

POOR QUALITY
ORIGINAL

0054

21

hemorrhages, especially the hemorrhage of the

Q You heard the evidence of Dr. Spitzka on that point? A. Yes sir.

Q: Do you agree with him? A. Yes sir.

Q. After you took away these portions of the brain, what did you do with them--these portions of the organs?

A. I put them immediately in a fluid that would preserve them for microscopical examination.

Q. How long did you keep them? A. Until I was ordered by the Coroner's Deputy to give them up to Dr. Biggs at the Carnegie Laboratory.

Q. Did you give Dr. Biggs all the portions of the organs that you had removed? A. No sir, I did not. I had some of that material in examination and that I was allowed to keep.

Q. Did he see the materials that was in process of examination at that time? A. He saw that material and he saw sections of it.

Q. Did he make a examination of it? A. He made an examination of the organs, but not of the brain.

Q. You heard him give some evidence here yesterday to the effect that he saw some portions of the brain in

**POOR QUALITY
ORIGINAL**

0055

22

which there were indications of disease, which in his judgment produced death? A. Yes sir.

Q. And afterward it appeared from his evidence that that was retained in your possession? A. Yes sir.

Q. Did you show him such portions of the brain? A. Yes sir.

Q. And was that taken from Mr. Bishop's body? A. Yes sir.

Q. Have you that still in your possession? A. Yes sir.

Q. Have you any of the other organs in your possession? A. I have slides of them, and I have small fragments.

Q. And of that you informed him when he called? A. Yes sir.

Q. How long did it take to perform this autopsy? A. I commenced somewhere in the neighborhood of four o'clock and I didn't get back to the hospital until some time after six, about twenty minutes past six.

Q. Did Dr. Irwin make any statement to you as to the man's death? A. I cannot be sure upon that point now. But I think it more than likely he did.

Q. Are you in the habit of making post mortems at

**POOR QUALITY
ORIGINAL**

0056

23

the request of other physicians? A. Yes sir.

Q. In making those examinations, did you take any other course than to make the examination, first having assured yourself of the man's death? A. I have never taken any steps whatever further than I have taken in this case.

Q. You have made thousands of examinations in the same way? A. Yes sir.

Q. It was not made at your suggestion? A. No sir.

Q. And you had nothing to do with the patient before? A. No sir.

Q. Have you known Dr. Irwin long? A. I have known of him for a considerable period of time.

Q. What is his standing in the profession? A. I have always heard him spoken of as a man of excellent standing.

Q. That is his reputation in the profession?
A. Yes sir.

Q. Dr. Hance was with you that day? A. Yes sir.

Q. Simply to take these notes? A. Yes sir.

Q. Who requested him to go? A. I don't know sir.

Q. Had you known him before? A. Intimately.

Q. And what is his standing in the profession?

POOR QUALITY
ORIGINAL

0057

24

Excellent.

Q. In what way had you known him before? A. I knew him I think at St. Luke's Hospital when I was connected with that institution.

Q. For how many years had you known him? A. From the time he entered St. Luke's Hospital until he left.

Q. I think you said that you found traces of disease in the kidneys? A. Yes sir.

What was that that you found? A. The disease in the kidney to my mind consisted first in a chronic lesion and superadded to it an acute form of kidney trouble.

Q. Was there in that sufficient to have caused death? A. If on microscopical examination I had no other factor as a cause of death I should have no hesitation in concluding that that had caused the death.

Q. Was the kidney trouble that was there connected with the trouble you discovered in the brain? A. Well, the best statement I think that can be made about that is this, that often with kidney trouble lesions of the vessels of the brain are found, and that often in such cases hemorrhages occur from those vessels.

By Mr. Abbett. Q. Dr. Ferguson, are you able

POOR QUALITY
ORIGINAL

0058

25

now from your recollection to state to us what you found as the result of your microscopical examination of the parts removed by you, as distinguished from the result of your examination at the time, the gross examination, at the time of the autopsy.

I mean to say what results there were that you attained by reason of the microscopical examination which were not evident upon the gross examination at the autopsy. A. Yes sir.

Q. Do you apprehend me clearly? Will you kindly give us the differences? A. Of which organs do you speak.

Q. Any or all, Doctor? A. That will take me over the entire case.

Q. Couldn't you tell us in brief. To begin with the brain you have testified as the result of microscopical examination that you found in the capillaries of the brain hemorrhages which covered a certain surface in the upper part of the medulla? A. Yes sir.

Q. Very well. Was that evidence at the superficial examination at the time of the autopsy? A. It was not, no sir.

Q. What space did that cover? A. That hemorrhage?

POOR QUALITY
ORIGINAL

0059

26

Q. Yes. A. Exactly how much space this covered--

Q. Oh, about. A. Well, I should think that now exactly the surface out of which I made the section it may be in the neighborhood of one sixteenth of an inch square.

Q. That was not evident at the time you made the autopsy? A. It was not.

Q. Where is the location of the vena gastric nerve in the body? A. Do you mean now the nerve itself or its ~~region~~ origin?

Q. The nerve itself tracing it from its origin down remote to its ramifications. A. It has its origin at the back part of the medulla, upper portion of it and beneath the fourth ventricle. It comes out at the base of the skull following down alongside of the trachea and oesophagus, distributing branches to the lungs which go in the

of the organs. It also sends down a branch through the opening in the accompa-
nying the which is distributed to the stomach and at the base of the heart it sends out several branches to that organ.

Q. Of course all these nerves have really their

POOR QUALITY
ORIGINAL

0000

25

seat in the brain except those--

A. That one has its origin in the upper portion of the mdulla, which is adjacent to and connecting with the pons.

Q. Does this numa gastric nerve reach the kidneys in any form? A. I don't think it does.

Q. Did I understand you correctly when you said you believed that the cause of death was in the numa gastric nerve

A. My statement was that the hemorrhage which I found at the origin of the numa gastric nerve was all sufficient to carry him off.

Q. Didn't I understand you later to say that as far as the kidneys were concerned, and the condition you found them in at the time of your microscopical examination, might also have accounted for death? A. My statement was this, that in the examination of any one body if I fail to find any other cause of death than that which was apparent in his kidneys, I should conclude from my examination of his kidneys that that was the cause of death.

Q. In this case you are satisfied that the cause of death here was in the numa gastric nerve, at the base

POOR QUALITY
ORIGINAL

0051

28

the brain, in the medulla? A. Yes sir.

Q. Medulla oblongata, isn't it? A. Yes sir.

Q. Would that be a condition that would be the result of hystero-catalepsy in any form? A. I don't profess now to be much of an expert about nervous matters. That has been so fully testified to this morning that really my answer would have any influence aloside of the evidence I had heard this morning.

Q. As far as you know from your own experience and reading, have you any reason to suppose that there is any possible connection between the condition you found in the numa gastric nerve and the condition of hystero-catalepsy--could the latter cause the former? A. I don't think I could testify in that point, sir.

Q. Do you know of any possible connection between the two as one being a superinducing cause of the other? A. I don't think I could intelligently testify to that sir.

Q. As I understand you when you began this autopsy in conseuence of the request of Dr. Irwin, you proceeded to make the autopsy as soon as he came there or about as soon? A. No sir, I had a consultation from the time that I met Dr. Irwin until I called at his office some three to three and a half hours later.

POOR QUALITY
ORIGINAL

0062

29

Q. I mean after you got down to the undertaking establishment of Mr. Hawks and found that Dr. Irwin had not arrived. I understand you awaited his coming? A. Yes sir.

Q. And when he came I suppose you began the autopsy? A. Yes sir.

Q. As between the time when you came and his subsequent arrival, will you kindly tell us in what condition you found the body and what if any examination you made of the body of Mr. Bishop. A. The body was removed, I think after the arrival of Dr. Irwin to the rear of the undertaking establishment. When it was ready for examination I examined as to the condition of the eye as a matter of routine.

Q. In what condition did you find the body; was it then on ice? A. That now I couldn't tell.

Q. Do you know whether it had been on ice? A. I have not the slightest idea.

Q. What was its condition as to rigidity; could you tell from the body whether it had been on ice or not? A. I could not tell.

Q. You couldn't tell whether the condition was that of rigor mortis or artificial cold? A. I think I ought

POOR QUALITY
ORIGINAL

0063

30

to be able to testify to the rigor mortis. Artificial cold doesn't produce stiffness.

Q. Could you tell between the ice and rigor mortis?

A. Bodies do not get stiff on ice unless they have the rigor mortis.

Q. Suppose they are frozen to death? A. I think then they have the rigor mortis.

Q. If you don't know whether it had been on ice or not you couldn't tell whether it had been superinduced by ice or the loss of breath.

Q. Referring to your notes I find a mention as to the rigor mortis. Do you recall what you dictated to Dr. Hance as to the rigor mortis? A. I do.

Q. What was it? A. Slightly marked.

Q. What do you mean by slightly marked? A. I meant the examination of the arm; elbow and knee had slight rigidity, and that after an inspection further of the body I made up my mind that the rigor mortis was well marked, and that the manipulation of the body to which it had been subject had broken up the rigor mortis in these two places.

Q. You don't recall that in any subsequent dictation to Dr. Hance that you made that correction which you

POOR QUALITY
ORIGINAL

0064

31

make now as to the rigor mortis? A. I did not make that correction in the notes.

Q. Now, as to the condition of the brain. I find in the notes as dictated by you that the dura was congested, fluid blood was in the longitudinal sinus, high one sixteenth of an inch." Now I call your attention to the next place, and show you the paper. "In every other respect base normal, larger vessel by base normal," which you have stricken out with ink afterwards?

A. Yes sir.

Q. Did you dictate to Dr. Hance at the time of the examination that in every other respect the base was normal and the larger vessel by base normal?

Q. When you dictated about larger vessel base normal did you mean the medulla? A. No sir.

Q. What did you mean? A. I meant the vessels passing the vertebral and

Q. What was your reason for erasing the clause that I have called your attention to? A. My reason for that was that subsequently on more careful inspection of base of brain I considered that those vessels appeared to me smaller and thicker than when I dictated that statement and I struck out the first statement ~~already~~

POOR QUALITY
ORIGINAL

0065

32

which was made upon a more superficial examination.

Q. That was the result of your microscopical examination ? A. No, my gross examination.

Q. At the time of the autopsy ? A. Precisely.

Q. Was there anything to indicate to you, Doctor, at the time you began this autopsy in the condition of the body or in the examination you made of it, as to how long the patient had been dead ? A. Nothing whatever sir, only that he had been dead for some considerable period of time.

Q. What do you mean by some considerable period of time ? A. Many hours.

Q. Did you take his temperature ? A. I did not, sir, excepting with my hands.

Q. Did you make any tests as for animation or ~~an~~ inanimation ? A. Yes sir.

Q. What ? A. Looked at his eye. I inspected the surface of his body; I tested his skin; I took the condition of the rigor mortis.

Q. Will you kindly tell us what you did as regards the --- A. Raised up the eyelid and returned it.

Q. Did you test it as to light ? A. No sir.

**POOR QUALITY
ORIGINAL**

0055

33

Q. Did you notice as to the direction or dilitation of pupil ? A. No sir.

Q. Did you notice the or otherwise of the cornea ? A. I did.

Q. How was the cornea ? A. Opaque; not only that but the surface of the eye had actually fallen in.

Q. Sunk from its position ? A. Yes sir.

Q. Do you know, Doctor, whether hystero-catalepsy can cause death, or is a known cause of death ? A. Now, I don't pretend to know so much about that. I am always dealing with dead bodies and finding the cause of death.

Q. You are a pathologist rather ? A. Rather than dealing with living subjects.

Q. What, if any idea does the phrase, "Coma following hystero catalepsy convey to your mind as a cause of death ? A. It conveys to my mind following hystero catalepsy or anything else a very grave state in which consciousness is completely suspended and which frequently is followed by death.

Q. That is the state of coma ? A. Yes sir.

Q. Does the phrase, Coma followed by hystero catalepsy convey any idea to the medical mind. Hystero catalepsy followed by coma ? A. Coma following any

POOR QUALITY
ORIGINAL

0067

34

condition whatever is a very grave affair.

Q. I don't mean that, but the phrase, Hystero catalepsy followed by coma does that convey anything to the medical mind as a cause of death? A. Yes sir, I think it would.

Q. What would it convey to your mind as a medical man? A. It would convey to me that there was a very serious condition of the system in which both consciousness and sensation were partly or completely suspended, and from which one might expect death.

Q. Isn't that condition coma? A. Yes sir.

Q. Do you know of hystero catalepsy producing that condition? A. I have again and again said that I don't know so much about hystero catalepsy.

Q. Have you within your experience or reading known of a case of hystero catalepsy superinducing that condition coma, to produce death? A. I don't know that I do. I don't know that I can recall a case now.

Q. The changes in ink upon the notes which were shown to you were made how long after the notes were received by you from Dr. Hance? A. I think they were made the following day.

By Mr. Leach: Q. May there not be a connection

**POOR QUALITY
ORIGINAL**

0050

35

between the hemorrhages which existed in the brain of Mr. Bishop and the affection of the kidneys which you discovered ? A. I think I have said already that there may be.

Q. Might not the affection of the kidneys produce convulsions ? A. The affections of the kidneys I should not be surprised at all if anything comes with the kidneys that extensively involved convulsions and coma

Q. Might not the convulsions cause the hemorrhage in the brain ? A. I am not so sure upon that point, as I am not able to state intelligently upon that doctrine.

POOR QUALITY
ORIGINAL

0059

District Attorney's Office,
City & County of
New York.

From a careful examination
of the facts in this case I am
satisfied that Sec 309 of the
Penal Code was violated as
charged in the indictment,
but the ~~facts~~ evidence clearly
shows that Dr. Ferguson
^{as an expert pathologist}
was invited by Dr. Irvine
to perform the autopsy
and that Dr. Hance had
nothing further to do with
it than taking notes of
the conditions found to
exist.

I therefore recommend the
dismissal of the indictment
as against Dr. Ferguson
and Hance

POOR QUALITY
ORIGINAL

0870

The Sun.

FRIDAY, MAY 17, 1889.

T. Brigham Bishop said to THE SUN reporter:

"I have known my cousin since he was six years old, and I am glad that the autopsy was made. As the male representative of the Bishop family here, I want to say that I think Dr. Irwin's action in the matter has been entirely honorable, and that the charges of murder and brutality which have been thoughtlessly hurled at him are unfounded. Dr. Irwin has known W. Irving Bishop for the last ten years. Irving has several times asked Dr. Irwin to see that an autopsy was made when he died, as he thought there was something peculiar about his brain."

The Sun.

THURSDAY, MAY 30, 1889.

THE DOCTORS SUSTAINED.

A CORONER'S JURY FINDS THEY DISSECTED BISHOP IN GOOD FAITH.

Expert Testimony as to the Probable Cause of the Mind Reader's Death Falls to Support the Charge of Homicide.

When the inquest into the cause of W. Irving Bishop's death was resumed by Coroner Levy at the City Hall yesterday, Dr. Edward C. Spitzka testified as an expert, described the symptoms of hystero-epilepsy and hystero-catalepsy.

"How long after death does the brain begin to decompose?"

"It is not fit for examination in warm weather six hours after death."

"How soon after death would you want to make an autopsy?"

"My preference would be to make it within an hour."

In describing the various symptoms which follow hemorrhage in the medulla, he named those which Dr. Irwin had named at his examination on Tuesday as accompanying Bishop's attack at the Lambs' Club. In conclusion the witness said that, if he himself had been in attendance at the death of a cataleptic patient, and had determined that death had taken place, he would make the autopsy, if possible, within two hours.

Dr. Irwin, being recalled for cross-examination, said he had the autopsy made in order to determine more minutely the cause of death, and not because he expected to find anything peculiar or wonderful in Bishop's brain.

Dr. Ferguson, who made the autopsy in the case of Bishop at the instance of Dr. Irwin, and has made over 3,000 others, said the lesion at the origin of the pneumo-gastric nerve was sufficient to cause death, and that other causes not being considered, the diseased condition of the kidneys was sufficient to cause death.

(Drs. Spitzka and Hamilton were called by the coroner as the chosen witnesses of Mrs. Bishop.)

NEW YORK HERALD

NEW YORK, THURSDAY, MAY 30, 1889.

Dr. Irwin and the physicians associated with him in the now famous Bishop autopsy have been fully exonerated by the Coroner's jury which investigated the cause of the mind reader's death. It is clear from the evidence that life was extinct when the surgeon's knife came into play. That at least was to be hoped for from the beginning of this case. A contemplation of the mere possibility of such a crime as the slaying of a man by those whose business it is to guard life filled the public mind with horror.

In their verdict the jury admitted that the medical men acted in perfect good faith.

BISHOP'S DEATH EXPLAINED.

THE DOCTORS TESTIFY THAT THERE ARE ONLY TWO SIMILAR CASES ON RECORD.

Dr. Edward E. Spitzka, who was the first witness, explained the symptoms of epilepsy, hystero-catalepsy and coma.

Dr. Spitzka confirmed Dr. Irwin's diagnosis, and said Bishop died of coma following hystero-catalepsy. He added that there were but two cases recorded of such a death. This was rather a triumph for Dr. Irwin, inasmuch as he had assigned this cause of death when he put his name to the original death certificate.

NEW YORK HERALD

NEW YORK, WEDNESDAY, JUNE 12, 1889.

Why?

Mayor Grant is justly indignant at the refusal of the Grand Jury to find indictments against the electric light companies for stringing wires and hanging lamps without permits.

The action of the companies is a clear violation of the law. Their conduct is criminal as well as defiant. There is no lack of evidence against them. Yet the grand jury refuses to call them to account.

This is in strange contrast with the action of the same body in finding indictments against three reputable physicians of standing in the Bishop matter. Nobody questions the sincerity or motives of these medical gentlemen. Their offence was merely a technical one.

Why are they so promptly indicted while the graver charge against the electric light offenders is dismissed?

The World.

THURSDAY, MAY 30, 1889.

A Coroner's Jury has declared that the late WASHINGTON IRVING BISHOP was dead at the time Dr. Irwin held his autopsy. The hysterical and the malicious people who have advertised themselves in connection with this sad affair should now subside.

THE AUTOPSY NOT A MURDER

Such Is the Verdict of the Coroner's Jury—Dr. Spitzka and Other Experts on Catalepsy.

Dr. Spitzka knew of only two cases of death, such as this, from coma following hystero-catalepsy, and in each of the other cases the same lesions, namely, minute hemorrhages about the base of the brain, and in the medulla had been found. This really made the third such case on record, and the diagnosis on the death certificate exactly corresponded with the facts.

Allan McLane Hamilton gave similar testimony. He said that in a case like Bishop's a speedy autopsy would be very desirable.

The World.

TUESDAY, JUNE 11, 1889.

A Grand Jury has indicted Drs. Irwin, Ferguson and HANOE for the misdemeanor of holding an autopsy upon the late mind reader, W. I. BISHOP in an informal way. The Coroner determined the question that Mr. Bishop was not vivisected. This petty prosecution is evidently inspired by malice.

The World.

WEDNESDAY, JUNE 12, 1889.

Dr. IRWIN and his associates who scientifically cut up the late WASHINGTON IRVING BISHOP, have been made the victims of much malignancy on the part of enemies and much sensational persecution upon the part of hysterical people anxious to advertise themselves. The indictment of these gentlemen is a part of the trifling procedure, and while it means annoyance, it means nothing serious. The machinery of the District-Attorney's office is undoubtedly being used for malicious ends. The standing of Dr. Irwin and his associates is sufficient to convince an intelligent public that their violation of the law in this case was purely technical. The professional status of these gentlemen cannot, and will not be affected by the annoyance to which they are now being subjected.

POOR QUALITY
ORIGINAL

0071

-----X
THE PEOPLE &c. :
Agst. : REPORT.
John Arthur Irwin, Frank :
Ferguson and Irwin H. Hance. :
-----X
To the Hon. DeLancey Nicoll,
District Attorney.

The sensational incidents surrounding the death of the so-called "Mind Reader" Washington Irving W. Bishop, in the Lambs' Club, in this City, on the 13th of May 1889, are so notorious as to need no repetition. The Coroner's Inquest as to the cause of Mr. Bishop's death took a very wide range, and, notwithstanding the protests of W. Burke Cockran, Esq. John M. Bowers, Esq. Nelson J. Waterbury Jr. Esq. E. H. Moran, Esq., counsel for the above named defendants, and the subscriber, who appeared for the People, the learning on Mind Reading, Telepathy, Hypnotism, Catalepsy, Epilepsy, Syphilis and other subjects as germane to the inquiry, was exhausted by the Coroner and his twelve "good and lawful men."

During the 23d, 24th, 27th, 28th and 29th days of May, 1889, the inquiry into the cause of death continued in the City Court, secured especially for this performance. Coroner Levy overruled the frequent objections of counsel and allowed them exceptions. It was suggested at the time that some of these exceptions be stuffed and pre-

**POOR QUALITY
ORIGINAL**

0072

(2)

sented to the Law Institute, counsel being at a loss what other use to make of them. George Francis Train, daily distributed bouquets to the Coroner, the counsel, the accused, the bereaved relatives and a number of distinguished and picturesque spook-hunters who attended.

Finally, some evidence was taken as to the cause of death, and a mouse of these dimensions was produced:

"We, the jury, do upon our oaths and affirmations agree, first: that Washington Irving Bishop, died at the Lambs Club on the 13th of May 1889.

Second: The cause of death was coma.

Third: We further find that doctors Irwin, Ferguson and Hance acted in good faith in performing the autopsy on the body. We would state that Dr. Irwin, through over-zealousness, acted in some haste respecting the direction of the performance of the autopsy."

Thereafter, on the 10th day of June 1889, the Grand Jury, at the instance of the relatives of the deceased, found an indictment against the above named defendants for a misdemeanor under Section 309 of the Penal Code. A plea of not guilty was entered June 11th, as to all the defendants, and since that time the case has not been moved by the People.

District Attorney Fellows, sometime in October 1889, consulted me about this indictment. I told him, and now repeat, that under Section 309 of the Penal Code, there is a plain case against Dr. Irwin, in that he caused and procured to be made a dissection of the body of Bishop, without authority of law, and not in pursuance of a permission given by the deceased; and that Drs. Ferguson and Hance were accessories. I also stated to him, and now repeat, that in my opinion, the indictment should not have been found; for, while the defendants were technically guilty, they acted through ignorance and scientific

**POOR QUALITY
ORIGINAL**

0073

(3)

zeal. The haste with which the autopsy was held, and, which at first glance seemed to aggravate the misdemeanor was, considering the extreme scientific interest in the case, justifiable. Doctors have, for a long time, been at variance as to whether Mind Reading was a nervous or a muscular faculty. The question whether Mind Reading was not really muscle reading, has provoked volumes of discussion, and the topic had, just previous to Bishop's death, been enriched by a volume published by the Society of Psychical Research, called "Mind Reading and Beyond", edited by Mr. Hovey. These doctors had in their charge the cadaver of the most famous mind reader in the world, (the Coroner's Inquest left no doubt that Bishop was dead before the autopsy was held) and they recognized that some of the doubt on the subject of this strange faculty might be cleared up by an immediate examination of Bishop's brain. The rapid deterioration of the brain tissues after dissolution induced the immediate dissection. A few hours time would have destroyed those conditions in the brain tissue most favorable to the investigation in view.

I do not think that any public interest will be served by trying these doctors, all of whom are of unquestionable respectability, and yet, I cannot see how this can be avoided, unless their counsel make a motion to dismiss under Section 668 of the Code of Criminal procedure, and the District Attorney offers no opposition.

Respectfully Submitted
H. D. Macdonald

New York
March 3, 1891

POOR QUALITY
ORIGINAL

0074

THE PEOPLE OF THE STATE OF
NEW YORK.

against

John Arthur Irvine,

Frank Ferguson &

David A. Hauser

Report.

DeLooney Nicole,

JOHN R. PHILLIPS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

POOR QUALITY
ORIGINAL

0075

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Arthur Irwin,
Frank Ferguson and
Irwin H. Hance.

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

Indictment accuse John Arthur Irwin, Frank Ferguson
and Irwin H. Hance

of the crime of unlawfully making, and causing and procur-
ing to be made, a dissection of the body of a human being,
committed as follows:

The said John Arthur Irwin, Frank Ferguson
and Irwin H. Hance, all

late of the City of New York, in the County of New York, aforesaid, on the

thirteenth day of May in the year of our Lord one thousand
eight hundred and eighty-nine, at the City and County aforesaid,

a dissection of the body of one Washington Irving
Bishop, deceased, unlawfully, without authority
of law, and not in pursuance of a permission
given by the said deceased, did make, and cause
and procure to be made; against the form of
the Statute in such case made and provided,
and against the peace of the People of the State
of New York, and their dignity

John R. Fellows, District Attorney.