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CASE

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PHOTOGRAPHER'S MINUTES

at Sessions

People

BEFORE

Con. Frederick Smyth,

and a Jury

Hannie Korn

July 28th, 1893

WITNESSES

Direct. Cross. Re-Direct. Re-Cross.

Edison Waring,	2	14	25	26
Albert T. Weston,	27	29		
John Mc. Cande,	29	37		
James Mc. Grath,	37	47		
Hannie Korn,	51	72	78	
Ernest J. Korn,	78	85		V
Margaret Ball,	89			
Dr. Arthur Booth,	92			
Charles H. MacDonald	102	107		

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Defendant Fanny Korn

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EDWIN WARING, called by The People, being duly sworn, testified
as follows:

D i r e c t E x a m i n a t i o n .

BY MR. WEEKS:

Now, do not cry, Edwin. How old are you, Edwin? A:

Eleven years old.

Do you know where you were born?

A. Yes,

sir.

Whereabouts?

A. In New York City.

And how long did you live in New York City?

A. About six years of my life.

And then where did you move to?

A. In Brooklyn.

And you lived there until when; about a year ago? A.

Yes, sir.

And, while you were over in Brooklyn, did you use to
go to school?

A. Yes, sir.

Did you go to school regularly? A. Yes, sir.

And with whom did you live over in Brooklyn? A. My

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mother and father.

Q And when did you papa die? A. Four years or a little over, ago.

Q And, you say, you lived with your father and mother. Didn't some one else live there with you, too?

A. Yes, sir; my little sister.

Q And what was her name?

A. Florence Waring.

Q And do you know when she was born?

BY THE COURT:

Q How old was she?

A. Five years and a half old.

BY MR. WEEKS:

Q Now, when you moved from Brooklyn to New York, where did you live in New York?

COURT:

Q Do you recollect the number of your house?

A. In 68th Street; 101 West 68th Street.

BY MR. WEEKS:

Q And before you left there, had your mother married again?

A. Yes, sir.

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Q And your stepfather was living there? A. Yes, sir.

Q What is his name?

A. Ernest J. Korn.

Q Now, while you were living there, in 68th Street, and in the early part of this year, did your mother take you and your sister away anywhere?

A. Yes, sir; the first ^{night} ~~time~~ we stayed in New York, and then we went to Jamaica, and came back to New York again, and then we went to Bridgeport, and then to New Haven. Then we went to Hartford, and then came back to South Norwalk, and then we went to New York again, and went to Newark, and then we came to New York and stayed here, and, at last, we went home.

Q Now, who took you around to all these places?

A. My mother; and my sister was with us.

Q When did you get back to your home in 68th Street; do you remember?

A. On Thursday.

Q On Thursday?

A. Yes, sir.

Q How long before this happened, up at the house there?

A. A week and a half.

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Q What day of the week was it that this occurrence happened,
up at the house?

A. Friday, May 5th.

Q And it was Thursday, the week before that?

A. About that, I ain't sure.

Q Now, what happened on Friday, the 5th of May; what
was the first thing that happened? Where were you and
your little sister?

A. In the room.

QM In which room?

A. In the dining room.

Q This is a flat?

A. Yes, sir.

Q Where were you sitting?

A. We stayed in the dining room, and we sat out in
the kitchen most of the time.

Q What time of day was it that your mother came in the
dining room?

A. She was in the dining room all the time, lying
on the sofa.

Q And what was the first thing that happened?

A. She always complained about her head.

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Q She was complaining of her head? A. Yes, sir.

Q And did she give you or your sister anything?

A. Yes, sir.

Q About what time of day was that?

A. About a quarter to one.

Q And, now, what did she say to you?

A. She told us to take it; it was medicine for the worms.

Q What was it that she gave you?

A. They say it was creosote, but I don't know.

Q Well was it in a glass? A. Yes, sir.

Q What color was it?

A. A kind of dark brown.

Q And what kind of a glass was it; a large glass?

A. No, sir; a little wineglass.

Q Was it full? A. No, sir.

Q And you took some of it; did you?

A. Yes, sir.

BY THE COURT:

Q About how much do you think you took?

A. About so much (indicating).

BY MR. WEEKS:

Q A little over a quarter of an inch in the wineglass?

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A. Yes, sir.

Q And how did it taste? A. It burned my mouth.

Q Did you swallow it? A. Yes, sir.

Q Did you say anything when it burned your mouth?

A. No, sir.

Q And after you had taken a drink, what did your mother do with it?

A. My sister took a drink, too.

Q Had you or your sister been complaining of having worms or anything of the sort?

A. Yes, sir.

Q After you had taken this, what happened?

BY THE COURT:

Q Did she take a drink out of the same glass that you did?

A. No, sir; another glass.

Q And did your mother pour out the medicine into another glass and give it to her?

A. No, sir; there were two glasses; both were ready.

Q Did you see her fix the two glasses?

A. No, sir.

Q And where did she get the glasses; do you know that?

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A. She always had them in the house.

Q. I know that; but that day. She told you to take some of that medicine?

A. Yes, sir.

Q. Now, where did she get the glasses that she put the medicine in?

A. I don't know, sir; but I think it was out of the dining room closet.

Q. Did she take out two glasses and put them on the table?

A. No, sir; she was out in the kitchen and came in and had it already.

Q. Did she bring in the two glasses with the medicine in them?

A. Yes, sir.

Q. And handed you one?

A. No, sir; I didn't want to take it at first.

Q. But, she came out of the kitchen with the two glasses; is that right?

A. Yes, sir.

Q. And with the medicine in the two glasses?

sir.

A. Yes.

Q. And you and your little sister were in the dining room?

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A. Yes, sir.

Q Were you sitting down or standing up at the time?

A. I was standing up, and my sister was sitting down.

Q And then what did your mother do, so far as you were concerned; did she hand you the glass?

A. Yes, -sir.

Q And tell you to take it?

A. Yes, sir.

Q And then you tasted it?

A. Yes, sir.

Q And it burned your mouth?

A. Yes, sir.

Q What did you do with the glass?

A. I drank it, and put it down, and went out into the kitchen and came back into the dining room again.

Q And when you came back from the kitchen, where were ~~you~~ your mother and your little sister?

A. She had gone into the parlor; or one of the rooms inside.

Q Did you see your mother give your little sister any of the medicine?

A. Yes, sir; my sister drank it.

Q But did you see your mother give her the glass?

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A. Yes, sir.

Q Did she hand her the glass into her own hand, and let her drink it?

A. No, sir; my little sister said, "You hold it."

Q To whom did she say that; to your mother?

A. Yes, sir.

Q And did your mother then hold the glass?

A. Yes, sir; and my sister drank it, and ran in after my mother.

BY MR. WEEKS:

Q Into one of the front rooms? A. Yes, sir.

Q Did your sister drink all that was in the glass that your mother gave her?

A. Yes, sir.

Q Then, when your mother went into the front room, and your sister went after her, what happened?

A. Well, I was kind of scared, and got under the table.

Q And how long had you been under the table when you saw your mother again?

A. About a minute or so.

THE FOREMAN: Ask him what scared him, please.

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BY MR. WEEKS:

Q What scared you?

A. Because I saw my mother come in so quick, and I drank the stuff and got scared.

Q You were scared because you saw your mother come in so quick, and you drank the stuff and got scared?

A. Yes, sir.

Q Well, were you scared when the stuff burned you?

A. Yes, sir.

THE FOREMAN: Now, please ask him whether there was anything peculiar in her action when she asked him to take that medicine.

BY MR. WEEKS:

Q Was there anything peculiar in her action when she asked you to take that medicine?

A. She laughed, ^{and} a kind of ~~and~~ smiled.

Q Then, you say you saw your mother in about a minute. Where did you see her next?

A. She looked under the table.

Q And what happened, then?

A. She got up, and I didn't hear nothing go off, but I looked at my pants and saw a hole in the leg.

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Q And what then?

A. I got up and unlocked the door, and went downstairs.

Q And where did your mother go after she looked under the table?

A. Sat on the floor.

Q And where was your sister?

A. She was sitting on the floor, in the same room.

Q And you came out from under the table?

A. Yes, sir.

Q And went downstairs?

A. Yes, sir.

Q Now, do you remember hearing any pistol shot or any noise?

A. I don't, sir.

Q When did you first find any blood on your leg?

A. I didn't see any, only when I got in the hospital.

Q And when you went downstairs whom did you see?

A. McCann, the janitor.

Q Did you speak to him?

A. Yes, sir.

Q And what did he do, after you spoke to him?

A. He took hold of me, and carried me into his house.

And

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Q And what did he do after he took you into his house?

A. He gave me some water, and wanted me to drink some milk.

Q And then did he leave you?

A. No, sir; he stayed with me.

Q How long?

A. About five or ten minutes, and then went out.

Q Now, when did you see your little sister next?

A. That is the last I saw of her, only when I went down in the express wagon.

Q Where from?

A. From 68th Street police station.

Q Where did the express wagon take you to?

A. Roosevelt Hospital.

Q Did you see her when you were in the express wagon?

A. Yes, sir.

Q And did you see any blood or anything on her in the wagon, when she was in the wagon; she was in the express wagon with you?

A. Yes, sir.

Q When did you see your mother again?

A. In the hospital.

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Q After you had been taken there? A. Yes, sir.

Q And how long were you in the hospital?

A. Three weeks.

Q Do you know when your little sister died?

A. No, sir; they say she---

THE COURT: You had better prove that by somebody else.

BY THE COURT:

Q Was your little sister taken in the same express wagon to the hospital with you?

A. Yes, sir.

Q You were both together?

A. Yes, sir.

C r o s s - E x a m i n a t i o n .

BY MR. JEROME:

Q Edie, your mother had been sick a good while, over in Brooklyn, before you came to New York; hadn't she?

A. Yes, sir.

Q And when you moved over to New York here, how long were you gone on this trip that you have told us about when you went around?

A. A week and a half.

Q The first night you stayed in New York?

A. Yes, sir.

Q Where did you stay? A. At the Vanderbilt Hotel.

Q And how long did you stay there---just over night?

A. Yes, sir.

Q And the next day do you recollect where you went?

A. To Jamaica.

Q And how long did you stay there?

A. We stayed there for the afternoon.

Q And then were did you go to?

A. We came back to New York.

Q And where did you stay in New York?

A. At the Grand Union Hotel.

Q And how long did you stay there?

A. Four nights.

Q Four nights? A. Yes, sir.

Q And did you stay in the house in the day time?

A. Yes, sir.

Q And what was your mother doing all this time in the house?

A. She always stayed at the window, and ^{looked} ~~also~~ out on the street.

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Q Did she talk to you and Florence? A. Yes, sir.

Q What did she talk about?

A. She wanted to go away to another place, far away from New York.

Q Did she say why?

A. No, sir.

Q Did she say where she wanted to go to?

A. She said, Maybe she was going to Chicago.

Q She said maybe she was going to Chicago? A. Yes, sir.

Q And did she keep you in the house those four days?

A. Yes, sir.

Q And from there where did you go?

A. To Bridgeport.

Q And did you get off the cars, before you got to Bridgeport, anywhere?

A. No, sir.

Q And what did you do at Bridgeport?

A. Stayed there for three nights.

Q And what did your mother do during the time she was at Bridgeport?

A. She walked across the bridge, in the night time, over the river.

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BY THE COURT:

Q And did you walk with her? A. Yes, sir.

BY MR. JEROME:

Q And did she talk with you and Florence? A. Yes, sir:

Q What did she talk about?

A. That she did not like the place there, that it was too hot.

Q And from there where did you go to?

A. To New Haven.

Q And how long did you stay at New Haven?

A. One night.

Q And from there where did you go to?

A. Hartford.

Q How long did you stay there?

A. Two nights.

Q And from there where did you go to?

A. South Norwalk.

Q And how long did you stay there?

A. One night.

Q And from there? A. To New York.

Q And where did you go to In New York? A. The Putnam

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House.

Q And the next day where did you go? A, I went down to see my father.

Q Down at the store where he works? A. Yes, sir.

Q And did you see him?

A. Yes, sir.

Q Did he go home with you?

A. No, sir; he gave mother the keys, and she sent them back.

Q He gave her the keys?

A. Yes, sir.

Q She told him that she was going home?

A. Yes, sir.

Q And, after she got the keys where did she go?

A. Went down to the bank.

Q And drew out some money? A. Yes, sir.

Q And then where did she go?

A. She stayed in New York.

Q And where did she send the keys back to him?

A. Down by the bank, at the telegraph office, there

Q She got a District Messenger and sent the keys back by

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him?

A: Yes, sir.

Q And where did she go with you children; do you remember where she went to?

A. I don't remember the name of the hotel, but she took us in New York to another place.

Q. She kept you in New York? A. Yes, sir.

Q And, after that night, where did you go?

A. We went home.

Q Did you see your father first?

A. Yes, sir.

Q Down at the store?

A. Yes, sir.

Q And did he go home with her?

A. Yes, sir.

Q And then you stayed home until this happened, on the 5th of May?

A. Yes, sir.

Q And now, while you were off with your mother ~~my~~ on this trip, did she talk about where she was?

A. No, sir; she said she thought she was in Philadelphia.

Q Did she say whereabouts in Philadelphia? A. No, sir.

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Q Did she complain, at all, of pain?

A. Yes, sir; she always said her head hurt her.

Q She always said her head hurt her?

A. Yes, sir.

Q And had she been doing that for many months?

A. Yes, sir; since March.

BY THE COURT:

Q What bank did you go to? Do you recollect the name of the bank?

A. No, sir; it is on Wall Street

Q Down in Wall Street?

A. Yes, sir.

Q Did you go into the bank with your mother? A. Yes, sir.

Q And did she get any money there?

A. Yes, sir.

Q Well, did she draw a check or present any kind of an order?

A. No, sir; she had a bank book with her.

Q It was a savings bank; was it?

A. Yes, sir.

Q And did you hear her ask for the money?

A. No, sir.

Q You sat down, I suppose, while she went to the desk and
got the money? A. Yes, sir.

Q Do you know how much money she did get?

A. Yes, sir.

Q How much? A. \$50.

Q Did you see her count it?

A. No, sir.

Q Well, what did she do with the money?

A. She put it in her pocketbook.

Q She put it in her pocketbook?

A. Yes, sir.

Q And what did she do with her bank book?

A. Put it in her pocket, and brought it to her aunt's.

Q She put it in her pocket, and brought it to her aunt's?

A. Yes, sir.

Q What is her aunt's name?

A. Mrs. Erlanger.

Q Where does she live?

A. In East 64th Street.

Q So that you went up to East 64th Street?

A. Yes, sir.

Q To your mother's aunt's house? A. Yes, sir.

Q And your mother gave her aunt the bank book?

A. Yes, sir.

Q To keep for her; was it?

A. Yes, sir.

Q To keep it safe?

A. Yes, sir.

Q And what did she say to her aunt?

A. To keep it safe until she called again.

Q And is that all you recollect that she said?

A. Yes, sir.

BY MR JEROME:

Q She sent you across the Central Park to her aunt's house with the bank book?

A. Yes, sir.

Q And she stood on the corner?

A. Yes, sir.

Q And sent you to the house with the book? A. Yes, sir.

BY THE COURT:

Q Then, it was you that told your mother's aunt that you had been sent with the book?

A. Yes, sir, that was the first time. But when my mother drew the money, it was later on, in the week, she went herself.

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Q You said she went to the bank, the savings bank, in Wall Street?

A. Yes, sir.

Q And then that you went up to your mother's aunt?

A. Yes, sir.

Q And that your mother gave her bank book to keep safe?

A. Yes, sir.

Q Did you give it or did your mother give it?

A. It was when we stayed out the first night, I brought it there.

Q No; but this particular occasion?

A. She went there herself.

Q And you?

A. Yes, sir.

Q And your little sister?

A. Yes, sir.

Q And she gave the book to her aunt to keep?

A. Yes, sir.

Q And was that the only time she went to the bank?

A. Yes, sir.

Q Now, you said something about Philadelphia---

A. And she left her rings and earrings and her watch with her aunt.

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Q Did she leave those with her aunt when she went on this trip?

A. Yes, sir.

Q To keep them safe?

A. Yes, sir.

BY MR. JEROME:

Q Did you go to Newark at all?

A. Yes, sir.

Q You did not stay there over night?

A. No, sir.

Q And when was that---before or after you went up to Hartford?

A. After.

Q Now, while your mother was away with you, did she cry at all?

A. Yes, sir.

Q Much?

A. Not very.

Q Did she say anything about wishing that she was dead?

A. Sometimes she would say that; she would say it sometimes.

Q What would become of you children if anything happened to her?

A. Yes, sir.

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Re - Direct Examination.

BY MR. WEEKS:

Q What was it that she said, Eddy, what words did she ^{use} say?

A. She was always scared that she would have to leave me and my little sister behind.

Q Was your mother kind to you?

A. Yes, sir.

Q Well, was she any different to you while you were going around to these different places than she had been before; was she more cross or kind or just the same?

A. Just the same.

Q Was she any different while she was going around to these different places than she had been before in any way?

A. Yes, sir.

Q In what way?

A. ~~Oh~~ Now, she felt more sick; didn't feel like doing anything so much. She had to get off the train when she was going down to South Norwalk.

Q Why did she have to get off the train? A. She felt so sick.

Q How did she say she felt sick?

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A. Now, her head whirled around.

BY THE COURT:

Q Who got the railroad tickets?

A. My mother; she bought them herself.

Q She used to go to the window and buy them?

A. Yes, sir.

Q And pay for them?

A. Yes, sir.

Q And who paid the hotel bills?

A. She paid them herself.

Q Did she get the receipts for them, receipted bills?

A. No, sir; she just paid.

Q And who ordered the meals; did she?

A. Yes, sir.

Re - Cross - Examination.

BY MR. JEROME:

Q When you were living here in the City, did your mother usually keep you in the house or let you go out?

A. She usually kept me in the house.

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ALBERT T. WESTON, called by The People, being duly sworn, testified as follows:

Direct Examination.

BY MR. WEEKS:

Q You are a graduated physician? A. Yes, sir.

Q From what college? A. The University of the City of New York.

Q In what year? A. In 1882.

Q Duly registered and authorized to practise?

A. Yes, sir.

Q And have been in the habit of making autopsies?

A. Yes, sir; I have.

Q You are one of the Coroner's deputies?

A. One of the Coroner's physicians; yes.

Q On the 6th of May did you perform an autopsy upon the body of a child, Florence Waring, at the Roosevelt Hospital?

A. I did.

Q What time of day on the 6th?

A. I think it was in the morning.

Q Do you know what time the child died?

A. I don't know.

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Q What was the result of your autopsy?

A. The autopsy showed that death was due to a pistol shot wound of the chest.

Q Whereabouts? Describe it to the jury, please.

A. The wound was just below, about an inch and a half below the left nipple. The direction of the bullet was directly backwards, passing between the fifth and sixth ribs, or the costal cartilages. It passed through the diaphragm and the stomach and the liver and the left kidney, and was found in the muscles of the back, just beneath the skin.

Q What was the calibre of the bullet?

A. The bullet was a 32-calibre. In the contents of the stomach was a dark fluid, partially solid, due to the coagulation of the blood, and it had a strong odor of creosote. The membrane of the stomach was eroded and entirely congested. The left pleural cavity and the abdominal cavity contained a quantity of fluid blood.

Q Is creosote ever given, doctor, as a worm medicine, to your knowledge?

BY THE COURT:

Q It may be given, stupid people might, but is it prescribed

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by physicians for that purpose?

A. No, sir.

Q Have you ever known of such a prescription being given for that purpose?

A. No, sir.

BY MR. WEEKS:

Q The cause of death was what?

A. A pistol shot wound of the thorax and abdomen. The child was between five and six years of age.

Q Otherwise the body was normal?

A. Yes, sir; the organs were normal.

Cross-Examination.

BY MR. JEROME:

Q There was but one wound, doctor? A. There was but one.

JOHN MCCANN, called by The People, being duly sworn, testified as follows:

Direct Examination.

BY MR. WEEKS:

Q You are the janitor of the premises, 105 West 68th Street?

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A. Yes, sir.

Q And how many houses there are you the janitor of?

A. Six of them.

Q And in what number did the Korn family live in May? A.
101.

Q Did you live in the same house?

A. No, sir.

Q And on the afternoon of the 5th of May did you see little
Eddy Waring?

A. Yes, sir; I seen him about half-past 12.

Q Whereabouts?

A. Coming upstairs, with some dinner on a plate.

Q Going up to his apartments?

A. Yes, sir.

Q And did you speak to him?

A. Yes,

sir.

Q Was he all right then?

A. Yes, sir.

Q Did you see any other member of the family that day?

A. No, sir.

Q How soon after that did you see Eddy again?

A. Well, I guess it was about--- almost an hour.

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Q That would be about half-past one? A. Yes, sir. 314

Q Where did you see him then?

A. In the alleyway. He came downstairs, crying and ~~hollering~~ ^{hollering} ~~hollering~~. I went out to him, to see what was the matter, and he said he was shot.

Q Did you look at him?

A. Yes, sir; and I found that there was a small hole in his pants, right near the knee.

BY THE COURT:

Q Which knee?

A. I am not positive which knee, but I think it was the right, and I took him back to the house, and he said that he had drank something.

BY MR WEEKS:

Q What, then?

A. So, I asked him what it was, and he said he did not know.

MR. WEEKS: Is there any objection to this?

MR. JEROME: There is no objection whatever to this.

go right on.

THE WITNESS: And I asked him who shot him, and he said he did not know, and with that I sent for an

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officer, and me and the officer went upstairs together.

Q You and Officer McGrath?

A. Yes, sir; up to their apartments. And we found Mrs. Korn standing in the doorway. She was standing there just as unconcerned, just as if anything never happened. So, I took hold of Mrs. Korn's hand, and the officer came right in behind me, and I asked Mrs. Korn, I says, "What is the trouble, Mrs. Korn?" And she began to cry. She says, "Yes; I have done it." I said, "My God, Mrs. Korn, what have you done?" And she said, "Yes, I have done it, " and with that, the officer picked up the child.

Q Which child?

A. The little girl. She was laying on the lounge then. The officer picked up it up, and I said to the officer "You had better let me have that child, and I will take it over to the station-house."

Q Did you notice any wound or blood on that child?

A. No, sir; not until I got to the station-house.

Q And then you took the little girl?

A. Yes, sir; to the station-house; and stayed there until it was taken away with the ambulance.

Q. Carrying the child to the station-house, did you notice anything?

A. Only that she was foaming out of the mouth; and then I noticed at the station-house that she was foaming, just as if she was smoking, and, after I wiped that off, the foam came out like smoke.

Q. Or like sea p suds?

A. I mean after I had wiped the foam off, the smoke came out, after she had foamed a great deal.

Q. And when you got to the station-house, did you notice any wound on the child, or on the way?

A. Yes, sir; when I got to the station-house, there was a lady sitting in the station-house, the lady that cleans the station-house, and so, when I heard that the boy was shot, I said, "We had better ~~we~~ look to see if there is any wound," and I held the little one in my left arm, and I lifted up its little dress, and found that there was a bullet wound right under the heart.

Q. Did Mrs. Kern come around to the station-house at the same time that you did with the little girl?

A. No, sir; I left Mrs. Kern in the apartments with the officer.

Q Did you see any revolver there?

A. Yes, sir; I seen it on the table, when the officer picked it up.

Q Did you examine it?

A. No, sir; I did not.

Q Did you see any wound on Mrs. Korn?

A. No, sir.

Q Or anything?

A. No, sir.

BY THE COURT:

Q What room was this in, Mr. McCann?

A. Well, this was in the dining room.

Q You are the janitor there, I understand?

A. Yes, sir.

Q How many rooms did this family occupy?

A. Eight.

Q And what do they consist of?

A. Kitchen, dining-room, bedroom, bedroom, back parlor, parlor, and a little bedroom and an off bedroom.

Q No, in what room was Mrs. Korn standing when you saw her, in what door?

A. Of the dining room.

Q Was she facing out or in? A. Facing out.

Q Facing out into the hall? A. Yes, sir.

Q And she had her back to the inside of the dining room?

A. Yes, sir.

Q And where was the little girl lying?

A. On the lounge, sir.

Q And where did you see the revolver, on the table?

A. Yes, sir; lying right behind her, on the table, and the officer got right in behind her, and picked it up.

Q Did you see any wine glass there?

A. Yes, sir; I saw one, tumbled over on the table. That is, a small flat glass.

Q Was there anything else on the table?

A. No, sir; I didn't see anything else.

Q Was there a cloth on the table?

A. Yes sir; the tablecloth was on to it.

BY MR WEEKS:

Q Did you see any box there containing anything?

A. No, sir.

Q You didn't see that?

A. No sir.

BY THE FOREMAN:

Q Did you see this lady after she came back from this trip,

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before you saw her that day?

A. After she came back I seen her, I believe, on the Saturday previous, the Saturday previous to that.

Q Did you notice anything in her manner?

A. Well, I kind of did notice a little difference, because there was a little trouble with the milkman, and she had a little argument with the milkman, but I could not say whether the milkman was right or the lady, but, for all that, I think the lady was perfectly right.

Q Well, did you notice anything peculiar in her manner?

A. Yes, sir; she carried on rather peculiar in her actions, and I had been up there several times before that, in fact..

BY THE COURT:

Q Well, how did she go on? Give us an idea.

A. Well, the idea was she always came to me, and complained about her head troubling her a great deal, and she wouldn't know what to do if anything happened to her, and she would take charge of her children.

Q Now, anything else that was peculiar?

A. No, sir; not as I know of.

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Q When she said that to you, about her head troubling her, and what would become of her children, what did you say?

A. Well, I told her, never mind; they would be well provided for, if anything should happen.

Q And what did she say to that?

A. And she said she wouldn't know what she would do, if she would leave them children, and should be carried off, because she thought so much of them.

Q Was there any other peculiarity?

A. No, sir.

Q When she had the argument with the milkman, was she excited?

A. Yes, sir.

Q And they had a discussion about the bill, or something, I suppose?

A. No, sir. I was just cleaning out the entrance of the house, and the milkman claimed that he had left the milk, and she said that she was not at home, and did not receive it.

Cross - Examination.

BY MR. JEROME:

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Q The little boy threw up after you gave him some water?

A. Yes, sir.

Q And he was sick at his stomach? A. Yes, sir.

Q And when you went up there and spoke to Mrs. Korn, she seemed to be perfectly cool?

A. Yes, sir.

Q And did not seem excited?

A. Well, just only when the lady seen me at present she started to cry.

Q And was there not something further that she said, that you told me about yesterday; didn't she ask you if the little boy had been hurt?

A. Oh, when she seen me, she asked me did I see Eddy, and I said "No; Mrs. Korn. What is the trouble with Eddy?" And so she said, "Well, I want him to die," and I said, "It is too bad, Mrs. Korn, too bad."

Q Well, did you tell her in what condition Eddy was in?

A. No, sir; I did not.

Q Did she ask you?

A. Yes, sir.

Q What words did she use? Did she say, "Is he going to die?" A. Yes, sir; and I told her I didnt see

him.

Q And didn't she say something to you about having suffered so much that she couldn't live any longer?

A. Not as I recollect.

Q Was there anything else that she said at that time that you can recall at all?

A. N sir; I couldn't say.

Q And you left the room with the little child, leaving the officer there?

A. Yes, sir; leaving the officer there.

(The Court then took a recess until 10 minutes to 2 o'clock, having admonished the Jury in accordance with Section 415 of the Code.)

AFTER RECESS.

JAMES MCGRATH, called by The People, being duly sworn, testified as follows:

Direct - Examination.

BY MR. WEEKS:

Q You are an officer, attached to the 24th Precinct?

A. Yes, sir.

Q And the station-house of that precinct is in West 68th Street?

A. Yes, sir.

Q Now, on the 5th of May, of this year, were you summoned to the premises, 101 West 68th Street?

A. Yes, sir.

Q At what time?

A. At about 1:40 or 1:45.

Q With whom did you go there?

A. I went there with a little boy; I didn't know his name.

Q Did you meet the janitor, McCann, there?

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A. Yes, sir; I met him downstairs, in his own apartments.

Q And went upstairs with him to the apartments of the Kornes?

A. Yes, sir.

Q On what floor was that?

A. On the third floor.

Q When you got up there, just tell the jury what you saw first. Was the door open or closed?

A. It was partly open.

Q Did you push it open?

A. I saw Mrs. Korn standing in the centre of the dining room, standing there, and I saw the little girl lying on the sofa. I asked her who shot the boy, and she said that she shot him.

Q You asked Mrs. Korn, and she said she shot him?

A. Yes, sir; and she asked me would he die, and I said, no, that I thought that he would not. And she said, "My little Florence will die." And I said, "Who shot her?" And she said, "I shot her," and she said, "I shot myself, too," and she showed me where she shot herself, on the left side. She showed me the bullet holes in her dress.

Q What part of her dress?

A. About there, Your Honor (indicating the left breast), there were two holes about two inches apart, and I asked her the reason why she shot them, and she said, she did not want to leave them after her, that she had an incurable disease, she thought, and that she was going to die, and that she thought too much of the children to leave them behind her. She brought me into another room--- after she showed me the pistol I picked it up, and then she brought me into another room.

BY MR WEEKS:

Q Is that the pistol that you picked up there?

A. Yes, sir.

Q Was it fully loaded?

A. There were four cartridges in it---there was four discharged.

BY THE COURT:

Q Well, this cylinder has five apartments in it. Then there were five shells in it and four of them discharged?

A. There was fourmshells.

Q And were all four, discharged?

A. Yes, sir; they were.

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Q And then there was one empty ~~map~~ compartment? A. Yes, sir; one empty one.

(The pistol is offered in evidence, and admitted, without objection, and marked People's Exhibit 1.)

THE WITNESS:

And then she brought me into the room, and gave me the remainder of the bullets, out of a bureau drawer.

BY MR. WEEKS:

Q These two?

A. Yes, sir; they was the ones.

(The cartridges are offered in evidence, and admitted, without objection, and marked People's Exhibit 2.)

THE WITNESS:

She gave me letters which she had written, one to the public.

Q She gave you a number of letters and papers?

A. Yes, sir; that she had written, stating her reasons for the deed.

Q Did she give you anything else, besides papers and letters?

A. She gave me that little box of poison.

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Q And what did she say about that?

A. She said that she had administered that to the children, first, but that she thought it was not killing them fast enough, and then that she used the pistol.

(The box is offered in evidence, and admitted, without objection, and marked People's Exhibit 3.)

BY THE COURT:

Q Did she say how she gave the poison to them?

A. She said, in a liquid, to drink; she said that she made them drink it.

BY MR. WEEKS:

Q What then?

BY THE COURT:

Q And that it was not quick enough, and then that she used the pistol?

A. Yes, sir.

BY MR. WEEKS:

Q Did you then take her into custody?

A. Yes, sir; I did. I sent the little girl over with Mr. McCann, to the station-house, and I told him to tell

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the sergeant to hurry up the ambulance, and then I called to some citizens on the sidewalk to go over and bring some more men over.

BY THE COURT:

Q More policemen?

A. Yes sir; because I didn't know what time she would fall dead herself.

BY THE COURT:

Q Well, was she bleeding?

A. Well, I did not lift her clothes.

Q Well, you did not see any blood, did you?

A. No, sir; I didn't.

BY MR. WEEKS:

Q And did you take her over to the station-house?

A. I took her down to the ambulance. When the ambulance came, I assisted her and brought her all the way to the ambulance.

Q And then where was she taken?

A. To the Roosevelt Hospital.

BY THE COURT:

Q And then she was put in the ambulance?

A. Yes, sir.

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Q And what was done with the boy?

A. When the Captain came over from the station-house with two men more, I left the Captain and the other two officers there, and I went down in the basement of McCann's house, where the boy was, and I took him in my arms and brought him up on the street and got a light wagon and took him over to the station-house.

Q And the little girl?

A. She had been there previous.

Q McCann had taken the little girl away?

A. Yes, sir.

BY MR. WEEKS:

Q And from the station-house where were the boy and girl taken?

A. To Roosevelt Hospital.

BY THE COURT:

Q But what was done with the defendant?

A. She was sent to the hospital, too.

BY MR. WEEKS:

Q She was taken in the ambulance to Roosevelt Hospital, the defendant?

A. Yes, sir.

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C r o s s - E x a m i n a t i o n .

BY MR. JEROME:

Q Officer, when you got in there into the room, what was the condition of Mrs Korn? Was she excited or calm?

A. Well, she was kind of calm-looking.

Q And she talked with you calmly?

A. Quite sensible, as far as I could see.

Q Well, I mean, she did not seem to be wrought up?

BY THE COURT:

Q Was she in a passion or excited?

A. No, sir.

BY MR. JEROME:

Q She talked of the killing in a matter of fact, cool way?

A. Yes, sir.

Q And she described how she shot the girl?

A. Yes, sir; she said that she took the little girl up into her arms and held her while she shot the child.

Q And did you ask her where she got the revolver?

A. Yes, sir; I asked her about that, and she said she would not tell us.

Q Well, what was her exact language?

A. Well, I dont know her exact language, in answer to

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what I asked her, but I know we could not find out where she got the revolver.

Q Did she ask about the little boy, Eddy?

A. Yes, sir; She said, "Officer, will my boy die?" And I said, "No; Mrs Korn; he will not." And she said, "I Wish that he would, I wish that he would." And I asked her, "Why do you wish that, Mrs. Korn?" And she said, "I Don't want to die and leave him behind."

Q She said, "I don't want to die and leave him behind"?

A. Yes, sir.

Q Did she say anything about being sick or suffering or anything of the kind?

A. She did.

THE COURT: He said, on his direct-examination, that she said she had an uncurable disease.

BY MR. JEROME:

Q Well, how long did you see her there and talk with her there?

A. I was there near half an hour, I think, altogether.

Q And she was taken from Roosevelt Hospital, to Bellevue; was she not?

A. Yes, sir.

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Q And you took her from Bellevue Hospital to the Court?

A. Yes, sir.

Q And then she was imprisoned in the Tombs?

A. Yes, sir.

Q And when you took her away from Bellevue Hospital to the City Prison, did she recognize you?

A. She did.

Q Before you told her who you were?

A. Well, no; no.

Q It was after you told her who you were that she remembered you?

A. Well, I don't know whether she remembered me or not. I told her I was the officer that was in her house the day of the occurrence.

Q And what did she say to that?

A. And she said, "Oh, are you?" And she commenced crying.

Q And then you took her down, and she was imprisoned?

A. Yes, sir.

MR. WEEKS: THE PEOPLE REST.

THE COURT: Have you put that box in evidence?

MR. WEEKS: Yes, sir.

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THE COURT: Then,,you had better have some evidence
as to what the stuff is.

MR.WEEKS: It is a sort of roach poison, I think.

MR.JEROME: We will admit that it is a poisonous sub-
stance containing large quantities of Phosphorus.
It is probably "Rough on Rats." It smells like
it.

THE DEFENSE.

FANNIE KORN, the DEFENDANT, being duly sworn, testified as follows:

Direct Examination.

BY MR. JEROME:

Q How old are you, Mrs. Korn?

A. Thirty-nine.

Q And you were formerly married, before you were married to your present husband, to a man by the name of Waring, were you not?

A. Yes, sir.

Q Do you recollect when he died?

A. Yes, sir.

Q When was it?

A. On the 13th of February.

BY THE COURT:

Q What year?

A. It is three years ago.

MR. WEEKS: 1890

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BY MR. JEROME:

Q In 1889; was it not?

A. I think it was.

MR. WEEKS: February 13th, 1890.

BY MR. JEROME:

Q Yes. He was ill a long time?

A.. About 13 weeks.

Q About 13 weeks? A. Yes, sir.

Q And during that time you nursed him through his illness, did you?

A. Yes, sir.

Q Were you a good deal run down in health from your labor in caring for him while he was ill?

A. Yes, sir; I was very weak and very much worried.

Q And afterwards, later on, you were married to your present husband?

A. Yes, sir.

Q And he was in the employ of a coffee house in this City?

A. Yes.

BY THE COURT:

Q When were you married to your last husband, your present

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husband?

A. In September.

Q In September of what year, how many years ago?

A. Two years ago.

BY MR. JEROME:

Q You had a child by him; did you not?

A. Yes, sir.

Q A child that died?

A. Yes, sir.

Q By the second husband?

A. Yes, sir.

Q When did that child die?

A. I couldn't tell you what date; I don't remember.

Q About how long ago?

A. It was last summer.

Q It was last summer?

A. Yes, sir.

Q And at that time you were living in Brooklyn, were you not?

A. Yes, sir.

Q And how ~~long~~ old was the child when it died?

A. I think it was three months.

Q Three months?

A. I ain't sure.

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Q Now, during last summer, while you were living in Brooklyn, were you well or unwell, were you strong or feeling ill?

A. I felt very sick.

Q Was your appetite good?

A. No, sir.

Q Did you sleep much?

A. Hardly any.

Q During August of last year you went down to Sheepshead Bay, did you not?

A. I think it was before that I went down.

Q Before August?

A. Yes, sir; I think so.

Q It was, July?

A. I am not sure whether it was June or July.

A. Yes, sir. Q.

Q But it was during the hot weather? And you remained there about a week?

A. In Sheepshead Bay?

Q Yes? A. No, sir; I was there all summer.

Q Until when?

A. I think until the middle of August.

Q And then you came back and went up to Whitestone for a day;

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did you not?

A. I think it was for a day or two.

Q And from there you went back to Brooklyn; did you not?

A. Yes, sir.

Q Now, you got back Sunday afternoon, did you not, to Brooklyn?

A. I think it was.

Q And up to that time, during the summer, had you felt strong or weak?

A. No, sir; I was very sick all summer.

Q In what way were you sick?

A. I was very sick and nervous, and had a bad feeling in my head.

Q When you came back from Whitestone on that Sunday afternoon, the next Monday morning did anything happen?

A. Yes, sir; I had a spell about 10 o'clock. I said, "Oh, My head feels terrible." I was reading a paper, and I jumped off the couch in my dining room, and I jumped up and put my hand to my head, and I said, "Oh, My God, I am going crazy," and it felt like a rush of blood to the head; and I called out to my boy to please get up and to find out from Mrs Metzger if she knew of a good doctor,

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and she knew of Dr. Lang, and he lived in Bedford Avenue, and he came over in the afternoon, and he found me very nervous, and I think he gave me valerian.

Q He treated you for some time?

A. For a week, I think; and I was very nervous and sick, and I was greatly troubled with my head and feared I was going insane.

Q Did you have any pain anywhere?

A. Yes, sir; on the left side of my head and a burning sensation.

Q Whereabouts?

A. Down here(indicating), on the side of my head, about the back of my neck(indicating the left part of the back of the neck.)

Q Well, what did it feel like?

A. Well, it was torture, something like the breaking of branches of trees and I had a terrible burning and a sort of far-away feeling, and I would put my hand up, like that, and I could scarcely hear or see; and then I don't remember anything more than that. That did not happen to me all that day, I didn't have all that feeling that day, but I had other feelings.

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Q Well, what other feelings did you have?

A. Well, I was very, very nervous, and the first and only thought was that I was going insane, because my head felt queer, and I got another doctor, because he didnt do me any good, and I think I got Dr. Russell.

Q Could you sleep or eat?

A. No, sir; and I couldn't eat, and Dr. Russell gave me something for my nerves, and he said it was nervous prostration, and Dr. Lang made me walk up and down the floor, and keep my feet together, and he hit me on the knees, and I said, "What did you do that for, Doctor?" And he said, "Oh, you are all right;" and he said, "Your brain is all right," and that made me very much afraid of my head, and he gave me some medicine, and I had never been sick before, and I got frightened, and I got Dr Russell, then, and he gave me some little tablets; and he said he thought I had nervous prostration; and I had that feeling worse than ever, and I thought I was getting crazy, and I asked everybody if I looked queer, and I was partly blind, and could not see or hear, for a time, to tell you the truth, and I let him go, because I did not think he was doing me any good. I thought I ought to get

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well, and I asked every one if they thought I was going insane, because I was so afraid, and I think I went to Dr. Janeway, then.

Q Didn't you go to Dr. Shaw, then?

A. I went to him twice. My husband found out from the druggist. We tried to find out an expert on nervous diseases, and he went to the drug clerk where we got our medicines, and he told him of Dr. Shaw, and my husband said, "Are you sure he is the best?" And the clerk said he was, and I went there in the afternoon. My servant girl went with me, and I saw Dr. Shaw, and he gave me some medicines, and he told me that my food did not assimilate, and he gave me some sort of acid, and I went home and took that; and he said that I was a very nervous woman, and should not worry; and I asked him if he thought I should go insane, as I had such a bad feeling in my head, and he said, "You can come and see me again," And I said, "All right, doctor. Will this do me any good?" And he said, "Yes; I think it will," And I went home and took the medicine that he prescribed me; and I don't remember how long I had him, and I think he did not do me any good, and I went to another doctor. I went to, I

think, Dr. Janeway, no, I went to Dr. Fleming.

Q You had known him before?

A. Yes, sir; and he did not do me any good. He gave me a medicine that tasted like asafoetida, and it made my head feel as if I was dead, and I said, I wouldn't take any more medicine, and I went to see Dr. Janeway, and I waited three hours, because the place is very crowded, and he asked me questions, and I answered him, and he said I ought to go to a sanitarium, and I said, "Doctor, can I take my children with me there? Because I worry so about them" and he said, "It might be you could," and I thought he meant by a sanitarium an insane asylum. It was the second time I knew that he told me that, and I said, "Is that an insane asylum, doctor?" And he said, "No; it is a place where you get back your health and strength," and I asked him could I take my children with me, and he said, "Maybe you could; "and my husband was waiting for me in the hall, and I said it grieved me terribly, because I thought he wanted me to go to an insane asylum, the doctor, and I always dreaded an asylum, and I said, "But, I won't let that worry me," and we went down to Macy's and got a pair of gloves, and I was very

heavy hearted, and I had the thought of that sanitarium all the time in my head, and I did not go to him any more, and I think my husband went over one night and asked him could he do anything for me, and I told him to ask him if I would lose my senses, and I don't really know what my husband did say, but I think he gave me something to go to sleep, and I did not go to Dr. Janeway any more; and I worried a good deal over that, to tell you the truth. And, let me see, who did I go to then? And then I thought I had better go back to Dr. Shaw again, and I went back to Dr. Shaw, and he had treated me from that time almost---he he bid me good bye I know about the 1st of April. Of this year?

A. Yes, sir; and I had also Dr. Beardsley. I was very nervous, and I was afraid of my own cat, and I said, "Please take that cat out" and I used to imagine that my husband had a horse's tail, shall I tell that?

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Q Oh, yes. Tell it all:

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A. I don't know whether it was imagination or not, but I had such a funny feeling. He used to make me nervous. I knew I had to see that, and I had to see it, and I used to say, "I wish he would keep away, because I will have to see that horse's tail," and I used to get so nervous that I had a rush of blood to the head, and my head felt as if it was on fire, and I felt the cracking of branches of trees in my head, and I couldn't see, and I got an idea in my head, one day, that I couldn't see, that there was a funny ring around the pupil of my eye, and I lay down on the sofa and I held a hand-glass over my eye, and I said to my servant-girl, "Is this imagination, or have I rings around the pupils of my eye?" And I got her to lie down, and I saw that it was all right, that she had rings on her pupils... And Doctor Shaw must have at least three dozen telegrams. I used to telegraph to him, and he would come and talk to me, and ^{pacify} ~~soothe~~ me, and tell me that I was not going insane; and one night, late, my husband went to see him, and he said he could not go out so late at night, because he was too old, and he went after Doctor Bearasley, who lives in Brooklyn, and I was suffering terribly that

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night, with the cracking of trees in my brain, and he came in and felt my pulse and he gave me something, because I couldn't sleep and I couldn't eat. I had no rest nowhere, and I used to wake up with a terrible feeling, like a heavy -- just like that (the witness sighs), and the first I thought was, "I am going crazy, because I feel that way," and I would try to think. I am ahead of my story. And I would often go to my bureau drawer, and say, "Now, what did I come here for?" and I couldn't think, and I came away, not knowing what I had been there for. I had a dead feeling, as if everything was dead. I knew that I was standing there but I was afraid to look in the looking-glass at myself. And I get ahead of my story. And Doctor Beardsley came there very often, and gave me something, and when he would come in, when I got that nervous spell, I was afraid of everything. It was torture when night came. I wanted the day-light again. When the gas was lit I would get nervous again, and I would give almost my life if it was day-light; and, if I got thinking of somebody, I would say, "I wish I could see that party again," and I would worry because I couldn't see that party, and they said, "Don't look at the moon. It will frighten you," and they told me not to look

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at it, but I couldn't keep away from it, and then I would have a feeling again in that spot, as if somebody struck me. I do not know whether it was a rush of blood to the head or not, but it was a terrible feeling. And I will say that I have suffered tortures since last August, and at night I prayed to God to send some one in and shoot me, because I felt so badly. I even saw the things going up and down on the mantel-piece. And there was a picture hanging on the wall, and I said to Doctor Shaw, "I don't know whether I imagine it, but I keep counting those boats on the picture, and they keep getting fewer, and I am sure I will lose my eye-sight," and he said, "Don't worry. I never knew anybody to go blind in your sickness," and several times I said to Mary, "Please take that cat out," and she said, "Why, Mrs. Korn, that was always your favorite cat," and it made me nervous, and, if it jumped on me, I would have gone into hysterics. And my bed was put up in the parlor, and I had a feeling come over me just again, as I say, like a rush of blood to my head, and I got up out of bed and I couldn't stay there, because I knew I would have jumped out of the window. I wanted to jump, and I got up and I went out and I said to Mary and the nurse, "Please

hold me or I will jump out of that window. I feel just like jumping out of the window," and I said, "Hold me, because I feel that way," and they quieted me down and I got over that. Then, one night, it was about 9 o'clock I think, I laid on the sofa and got thinking of money. I don't know about what money, about what I had saved, or something, and I felt the same rush of blood at the head, sore like. It was a sort of pricking sensation, like pins and needles in my head, and, that night, I said to my husband -- I jumped off the sofa quick, just as I did when I was reading the HERALD one day, and I said, "There is a terrible feeling coming over me," and it was around election time, I think, and we had a walk out in the street, and we took my little girl around, and there was a parade coming along, and that kind of drew my attention, and I went home and I said, "I hope to God I will never have a spell like that again," and I went home and had another spell," and I got all the books and papers and always wanted to read, and I had a certain sickness at the time, that I don't care to mention, and I said, "Oh, doctor, tell me the truth. Will I ever get out of my mind? I would rather be dead than in an insane asylum, and I worried so about my children, be-

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cause I love them dearer than my life. Tell me the truth, doctor; will I?" And he said, always, "No, Mrs. Korn, you will never grow insane, but I can't tell how long it will take to get over this sickness," and I said, "Doctor, is there not a limit to this? In any other sickness you can tell?" And he said, "I think it will be in the spring, perhaps. You must go out and do something for yourself," and I couldn't stand the heat and I couldn't see. I thought I was going blind, and I couldn't hear, and a nurse and a friend of mine were there one day and they followed me to the bath-room, and I had to laugh. I went into the parlor, and they thought I stayed there rather long, and they looked for me, and I said, "What are you looking for me? Do you think I am going to kill myself?" And I said, "Never in my right senses. I feel terrible, but I would never do that," and they said, "We worried about you, because you were in there so long," and I smiled at the idea of it.

Q Now, do you remember reading in the newspapers about some actor that had died in Bloomingdale?

A. Yes, sir.

Q And talking about that to Doctor Shaw?

A. Yes, sir.

Q And did you get the books of some medical company at the time?

A. Yes, sir; I bought a book of Surrey compound, and read the book about that.

Q And the book told you something about paresis?

A. Yes, sir, I read it in the book, and my symptoms were something like it.

Q Now, after the doctors had treated you in Brooklyn, you came over to New York?

A. Yes, sir.

Q And you had a letter to Doctor Seguire, the distinguished alienist?

A. Yes, sir.

Q And Doctor Seguire was away, and his partner, Doctor Booth, treated you?

A. Yes, sir.

Q And you lived in this flat up-town in New York?

A. Yes, sir.

Q And do you remember going away from there, with Eddie and Florence, on a trip anywhere?

A. I do.

Q And do you recollect at all where you went to?

A. I can recollect of going to the Grand Union Hotel.

Q And after that do you recollect where you went at all?

A. I know I slept in Jersey City one night.

Q You know you slept in Jersey City one night?

A. Yes, sir.

Q And can you recollect being anywhere else?

A. I can recollect being in Newark.

Q Anywhere else? Were you in Philadelphia at all?

A. I was in Philadelphia, sitting in Fairmount Park, one day.

Q And when did you do that?

A. I don't remember.

By the Court:

Q Were you ever there?

A. Yes, sir, I used to

live-----

Q Were you ever in Fairmount Park, in Philadelphia?

A. I have been there, but it is a long time ago. I don't remember how many years ago.

By Mr. Jerome:

Q Well, do you remember going to see your husband, down-town, with Eddie and Florence?

A. Yes, sir.

Q When you came back from there?

A. I don't know when it was.

Q And did you have any talk with him?

A. I think I did.

By the Court:

Q Do you recollect giving your husband the keys of your house?

A. I sent them to him; I recollect sending them to him.

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By Mr. Jermoe:

Q Do you remember his giving you the keys of the house, and your sending them back to him? A. Yes, sir.

Q And do you remember going back to your home, and meeting your husband at 14th street? A. I bought my little girl a dress, that day, I think.

Q Were you in your husband's office? A. No, sir.

Q Well, where did you meet him? A. I think corner of 14th street and Sixth avenue.

Q And that night you went home, didn't you, to your flat? A. I think I did.

Q And after that what is the next thing you recollect?

A. I don't know of anything that I recollect, after that.

Q Do you recollect having seen this police officer? (Indicating Officer McGrath) A. No, sir.

Q And do you recollect anything that happened there at the time of the death of little Florence?

A. No, sir.

Q Do you recollect being in Bellevue Hospital?

A. I do.

Q And going from Bellevue Hospital to the Police Court?

A. Yes, sir.

Q And from there to the City Prison? A. Yes, sir.

Q You recollect going with your husband and getting some creosote in a drug store, for the tooth-ache?

A. Yes, sir.

Q And was that at the time that you thought you were in Fairmount Park or before? A. I think it was before; I am not sure.

Q And then do you remember the day that you bought your little girl the dress? A. Yes, sir.

Q Do you remember going home that night?

A. That night? After I bought the dress?

Q Yes? A. I think I do, yes.

Q And can you remember anything after that, until you remember being in Bellevue Hospital?

A. No, sir, I don't.

Q Now, this is the Doctor Booth who was your doctor and treated you? (Indicating) A. Yes, sir.

Q And you saw him in Bellevue Hospital; didn't you?

A. Yes, sir.

Q And afterwards in the Tombs? A. Yes, sir.

Q And you saw this gentleman, Doctor Macdonald, in the Tombs?

A. Yes, sir.

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Q And you can't tell anything that happened up in those rooms?

A. Upon my word, I don't remember. It is all a dream.

I am like in a dream. I give you my word, even here, it is like as if I was dazed.

By the Court:

Q Do you recollect where you bought the pistol?

A. No, sir, I don't recollect buying any pistol.

Q What about that box?

A. What box?

Q That box of stuff (referring to the box in evidence). Do you know where you bought that?

A. No, sir.

Q Do you recollect buying it?

A. No, sir, I don't.

By Mr. Jerome:

Q Now, Mrs. Korn, there was a pistol -- did your first husband have a pistol?

A. Yes, sir.

Q And you kept that after his death?

A. Yes, sir, I had it in a trunk.

Q Do you remember loading the revolver?

A. No, sir; I have always been very afraid of a pistol, and I would always run away from one.

Q Now, do you remember being in Norwalk?

A. No, sir.

Q Or Bridgeport?

A. No, sir.

Q Or the Vanderbilt Hotel?

A. No, sir.

By the Court:

Q Do you recollect going down to the bank, in Wall street, and drawing fifty dollars?

A. Yes, sir.

Q What bank was that?

A. The Seaman's Savings Bank.

Q Did you have your children with you?

A. Yes, sir.

Q What did you draw the fifty dollars for?

A. I wanted to go to Chicago.

Q You wanted to go to Chicago?

A. Yes, sir.

Q Why didn't you go to Chicago?

A. I don't know.

By Mr. Jerome:

Q Did you at any time think you heard voices speaking to you?

A. Yes, sir.

Q When was that?

A. I think it was in Bellevue

Hospital.

Q Well, do you remember, before you went away on that trip, at Bellevue Hospital, telling Doctor Booth about hearing voices?

A. I think it was when I went to see him; I am not sure.

Q Do you recollect what the voices said to you?

A. I don't recollect now. I think I heard some one scream terribly one night, and I think I asked about it,

and they said it was not any one that helloed.

Q Do you recollect going to see Doctor Booth, and telling him something about voices, before you went to Bellevue?

A. No, sir.

Q You don't recollect that?

A. No, sir.

Cross Examination.

By Mr. Weeks:

Q Now, when you came back from this trip that you thought you took into Philadelphia, Mrs. Korn, where did you go?

A. I don't remember.

Q Do you remember coming back from the place that you thought was Philadelphia?

A. I think I came back and went away again; I am not sure; I imagine so.

Q Now, do you remember, after that trip that you took to Philadelphia, coming back and seeing your husband?

A. I remember coming back, once, and getting the keys.

Q Now, didn't you spend several days up in the flat before the shooting of little Florence?

A. I don't remember.

Q Did you have any servant in the house there?

A. I had a woman that worked for me once in a while.

Q No one living in the house with you regularly?

A. No, sir.

Q And when you went away, the house was closed entirely?

A. I don't remember that.

Q Well, was that your habit, when you went away?

A. I never went away before.

Q Now, where did you keep the trunk in which you were in the habit of keeping your first husband's revolver?

A. I don't remember where the trunk was.

Q What room was it in?

A. I don't recollect.

By the Court:

Q But where did you keep your trunk? You didn't have so many of them, did you?

A. Well, I don't know, because we had just moved there. I don't remember where the trunk was.

Q And you hadn't got to rights yet?

A. No, sir, I was too sick.

Q And you don't remember in what room the trunk was put?

A. No, sir.

Q And can't you tell me whether that pistol was there or not?

A. What pistol?

(The pistol in evidence is shown to the witness)

Q Is that your first husband's pistol? A. It looks like it; I couldn't swear to it.

Q You couldn't swear to it? A. No, sir.

Q And how long had you that pistol in your trunk?

A. I don't know, sir. I never touched it, because I am afraid of a revolver.

Q Well, who put it in the trunk? A. Oh, I suppose I did, a long time ago, after my husband died.

By Mr. Weeks: A. I had a tooth-ache.

Q Now, did you ever see any cartridges that belonged to that revolver? A. I don't think I did.

Q You know what a cartridge is, Mrs. Korn, don't you? A. No, sir.

Q Did you ever see any of those things around the house anywhere? (The cartridges in evidence shown to the witness.)

A. I think there was some, wrapped up in a paper, around the house. They were all wrapped up together in the trunk.

Q The pistol and the cartridges? A. Yes, sir.

Q Was there anything else wrapped up in that same paper?

A. Not that I know of, sir.

Q Were there any letters from your first husband wrapped up in

the same paper? A. Not that I remember.

Q Or photographs or tin-types?

A. Not that I remember, sir.

Q Where did you buy the creosote? A. I don't remember what drug store. My husband was with me. I had a terrible tooth-ache.

Q When did you buy it? A. I don't remember on what day.

Q For what did you buy it? A. I had a tooth-ache.

Q Did you use it? A. Yes, sir; I pulled the tooth out, afterwards, and my husband has it.

Q And how long before this forgetfulness of yours was it that you bought the creosote? A. I don't remember that.

Q What did you do with the bottle of creosote; did you buy it in a bottle? A. I don't recollect.

Q Did you buy it in a bottle? A. Yes, sir.

Q How large a bottle was it? A. I think it was that big (illustrating).

Q And where did you keep it? A. I don't remember that.

By the Court:

Q When you were keeping house, who paid the bills?

A. I paid the bills, but my husband gave me the money.

Q You took care of the house?

A. What do you mean? Support the house?

Q No. I mean by that, you looked after your own household affairs; didn't you?

A. Yes, sir.

Q You paid the butcher and the baker?

A. No, sir; my husband used to pay them.

Q Did you have a servant?

A. Yes, sir; most always.

Q Who paid the rent?

A. My husband.

Q He paid the rent?

A. Yes, sir.

Q Now, who looked after the children?

A. I always looked after them.

Q you dressed them?

A. Yes, sir, and loved

them dearer than I love my life. I gave them every comfort that money could buy.

Q Did you make their clothes, or did you buy them?

A. No, sir, I used to make some of them when I was able, but I was sick.

Q How long ago is it since you got so sick, when you couldn't make the clothes?

A. Over a year ago.

Q Do you know how much you paid for your little girl's dress?

A. Six dollars, I think.

Q Do you know where you bought it?

A. I bought it in Hearn's.

Q Was it ready-made?

A. Yes, sir; I wanted her to look nice.

By Mr. Weeks:

Q Did you ever tell anybody that you were going to kill your little girl and little boy? A. No, sir.

Q Did you ever write to anybody that you were going to kill them? A. No, sir.

Q Did you ever tell the doctor that you were going to kill yourself, and that you wanted him to have your brother out West take great care of the children?

A. I don't recollect telling anybody about that. I know I worried-----

Q Didn't you say that you were going to shoot them?

A. No, sir. I never recollect saying that in my life.

Q Never?

A. No, sir.

Q Don't you remember taking the revolver?

A. No, sir, I don't. I am afraid of a revolver as I am of a snake.

By the Court:

Q Do you recollect telling the police officer that you had shot yourself, pointing out the place on your dress?

A. No, sir, I don't.

Q Have you got that dress that you had on the day this trouble took place?

A. I don't know what dress I had on.

Re Direct Examination.

By Mr. Jerome:

Q There was something that you told me about in the City Prison that occurred to you while you were living in Brooklyn. You said you had a kind of lifting sensation in the head?

A. Yes, sir, I felt as if my head was lifting right up from my head, and I put my hand up to my head to see if my head was on.

ERNEST J. KORN, called by the Defence, being duly sworn, testified as follows:

Direct Examination.

By Mr. Jerome:

Q Now, Mr. Korn, I want you to talk loudly. You are the husband of the defendant?

A. I am.

Q And you and your wife were living in Brooklyn during last

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year; before you moved to New York?

A. Yes, sir.

Q Now, during last summer and autumn, before you came to New York, what was her health; good or bad?

A. Very bad.

Q How about her sleeping?

A. She couldn't sleep at all.

Q How about her appetite?

A. It was none at all.

Q Did she complain of pain at all?

A. Yes, sir.

Q Where?

A. In her head. The pain was from here to here (indicating from the top to the back of the head, on the left side.).

Q Was she nervous?

A. Very nervous. The least little word made her excited.

Q And when did you move over to New York here?

A. I think it was the 28th of March.

Q Of March?

A. Yes, sir.

Q Now, when was it that she went off on this trip around the country?

A. I think it was about the 15th of April, or something like that; I don't recollect.

Q Well, did she come down and see you before she went away?

A. No, she didn't.

Q You went home and found that she was not there?

A. As I came home the nurse was there, and they made some supper for me, and I learned from her, in case my wife don't come home, then that I shall eat alone.

Q Then that nurse was Mrs. Fielding? A. Yes, sir.

Q And she has gone to Lewiston, Maine? A. Yes, sir.

Q And she gave assistance to your wife in the house?

A. Yes, sir.

Q She came in the morning and went away in the evening?

A. Yes, sir.

Q And did your wife come home that night?

A. No, she didn't.

Q And how long was it before you saw her again?

A. I seen her about a week after that.

Q And where did you see her? A. I met her at Duane and Hudson street.

Q And how did you come to go there? A. Well, little Eddie came there to my office and said mama is waiting for me and I shall see her.

Q And what did she say to you? A. Well, she told me if I can go home with her, but I couldn't; I couldn't leave the store alone. So consequently I give her

the keys and said, "It is all right. Go home. Don't fear of anything, and I come home at 6 o'clock." Afterwards, I bid her good-by and went back to my office again; and, in about a half an hour after that, a messenger brought me the keys back. So I know that she isn't home. I know that, and so, in the evening at 6 o'clock I went home by myself, alone.

Q And then what? When did she come home after that?

A. After ards she came home. It was about a week after that.

Q A week after that? A. Yes, sir, not quite a week.

Q And did she see you down-town before she came home?

A. Yes, sir, and she said to me if I come home with her now, and I said, "No, I can't, -but I will meet you, at 6 o'clock, corner of 14th street and Sixth avenue," and I came there at 6 o'clock and I met my wife at Sixth avenue and 14th street.

Q Well, did you go home? A. Yes, sir, we went together to our home.

Q Now, when you got home to your house, how long was it before the killing of this child happened?

A. I was home all day, all the time.

By the Court:

Q Were you there the day your child was killed?

A. No, sir.

By Mr. Jerome:

Q How many days before the child was killed was it that you went home with your wife that night?

A. I guess it was Thursday.

By the Court:

Q And what day was the child killed? Do you know?

A. That was May 2nd, I think; it was on a Friday night.

By Mr. Jerome:

Q Well, was it a week before the child was killed?

A. Yes, sir.

Q Now, did your wife ever -- did she tell you where she had been, when she had been away?

A. Yes, sir, she told me.

Q And where did she say she had been?

A. She said she was in Philadelphia.

Q And how long did she say she stayed in Philadelphia?

A. Well, all the time. I don't know, I didn't question her about it.

Q Did she ever go on a trip like this before?

A. No, sir.

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Q Did you ask the boy any questions, where they had been?

A. No, sir.

Q And you didn't ask her any questions?

A. No, sir; not many.

By the Court:

Q And you took no interest in it at all? A. Oh, yes, sir.

Q And didn't you know that she was a very sick woman?

A. Yes, sir; and I thought she went away for her health, you see. That's what I thought.

By Mr. Jerome:

Q Now, during all this time that you were living at the flat, did your wife ever ask you to stay home and not go down to business? A. Yes, sir.

Q And did she tell you why? A. Yes, sir, she told me, "I feel very sick. Please stay home with me," but I said, "I can't; because I have to attend to business downtown."

Q And did she say that she was afraid something would happen?

A. Yes, sir, she was afraid of something; she was afraid of something.

Q Now, when she met you downtown the first time, the afternoon that she sent the keys back, did she ask you to go home.

with her then?

A. Yes, sir.

Q And did she say that she was afraid to go home?

A. Yes, sir.

Q And when you met her at 8 o'clock, did she say that she was afraid to go home?

A. Yes, sir; to go home alone.

By the Court:

Q Where were you the day the child was killed?

A. In my office.

Q Where is your office?

A. My office is 181 Duane street.

Q When did you learn of the killing of the child?

A. I got a telephone, about half-past 2 in the afternoon.

Q And did you go up there?

A. I left the office right away, and I got up there about a quarter past 3, something like that; I recollect that very well.

Q And who was in possession of the house then, any one?

A. Nobody.

Q How did you get in?

A. I had a key.

Q Did you wife ever tell you that she was at Jamaica and at Hartford and at New Haven?

A. No, she didn't know anything.

Q And at Norwalk?

A. No, sir.

Q Did you furnish her with the money to go away that time, or was it her own money? A. Well, it was mine and hers, together.

Q Well, who used to put the money in bank?

A. My wife; I give all the money to my wife.

Q And she put it in the bank? A. Yes, sir.

Q And she drew it out as she liked? A. Yes, sir, she can draw out as much as she wants it.

By Mr. Jerome:

Q Did you ever see that pistol? A. No, sir.

Q Or that box of poison there? A. No, sir.

Cross Examination...

By Mr. Weeks:

Q Now, Mr. Korn, when was it that you first came home and found that your wife was not there?

A. Well, I was very surprised.

Q What? A. I was very much surprised.

Q When was it? A. I don't recollect the day very well.

Q How long had you been in the 68th street house?

A. Since the 28th of March.

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think, Dr. Janeway, no, I went to Dr. Fleming.

Q

You had known him before?

A. Yes, sir; and he did not do me any good. He gave me a medicine that tasted like asafoetida, and it made my head feel as if I was dead, and I said, I wouldn't take any more medicine, and I went to see Dr. Janeway, and I waited three hours, because the place is very crowded, and he asked me questions, and I answered him, and he said I ought to go to a sanitarium, and I said, "Doctor, can I take my children with me there? Because I worry so about them" and he said, "It might be you could," and I thought he meant by a sanitarium an insane asylum. It was the second time I saw that he told me that, and I said, "Is that an insane asylum, doctor?" And he said, "No; it is a place where you get back your health and strength," and I asked him could I take my children with me, and he said, "Maybe you could; and my husband was waiting for me in the hall," and I said it grieved me terribly, because I thought he wanted me to go to an insane asylum, the doctor, and I always dreaded an asylum, and I said, "But, I won't let that worry me," and we went down to Macy's and got a pair of gloves, and I was very

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heavy hearted, and I had the thought of that sanitarium all the time in my head, and I did not go to him any more, and I think my husband went over one night and asked him could he do anything for me, and I told him to ask him if I would lose my senses, and I don't really know what my husband did say, but I think he gave me something to go to sleep, and I did not go to Dr. Janeway any more; and I worried a good deal over that, to tell you the truth. And, let me see, who did I go to then? And then I thought I had better go back to Dr. Shaw again, and I went back to Dr. Shaw, and he had treated me from that time almost---he he bid me good bye I know about the 1st of April.

Q Of this year?

A. Yes, sir; and I had also Dr. Beardsley. I was very nervous, and I was afraid of my own cat, and I said, "Please take that cat out" and I used to imagine that my husband had a horse's tail, shall I tell that?

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Q Oh, yes. Tell it all.

A. I don't know whether it was imagination or not, but I had such a funny feeling. He used to make me nervous. I knew I had to see that, and I had to see it, and I used to say, "I wish he would keep away, because I will have to see that horse's tail," and I used to get so nervous that I had a rush of blood to the head, and my head felt as if it was on fire, and I felt the cracking of branches of trees in my head, and I couldn't see, and I got an idea in my head, one day, that I couldn't see, that there was a funny ring around the pupil of my eye, and I lay down on the sofa and I held a hand-glass over my eye, and I said to my servant-girl, "Is this imagination, or have I rings around the pupils of my eye?" And I got her to lie down, and I saw that it was all right, that she had rings on her pupils. And Doctor Shaw must have at least three dozen telegrams. I used to telegraph to him, and he would come and talk to me, and ^{pacify} ~~fascinate~~ me, and tell me that I was not going insane; and one night, late, my husband went to see him, and he said he could not go out so late at night, because he was too old, and he went after Doctor Beardesley, who lives in Brooklyn, and I was suffering terribly that

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night, with the cracking of trees in my brain, and he came in and felt my pulse and he gave me something, because I couldn't sleep and I couldn't eat. I had no rest nowhere, and I used to wake up with a terrible feeling, like a heavy -- just like that (the witness sighs), and the first I thought was, "I am going crazy, because I feel that way," and I would try to think. I am ahead of my story. And I would often go to my bureau drawer, and say, "Now, what did I come here for?" and I couldn't think, and I came away, not knowing what I had been there for. I had a dead feeling, as if everything was dead. I knew that I was standing there but I was afraid to look in the looking-glass at myself. And I get ahead of my story. And Doctor Beardsley came there very often, and gave me something, and when he would come in, when I got that nervous spell, I was afraid of everything. It was torture when night came. I wanted the day-light again. When the gas was lit I would get nervous again, and I would give almost my life if it was day-light; and, if I got thinking of somebody, I would say, "I wish I could see that party again," and I would worry because I couldn't see that party, and they said, "Don't look at the moon. It will frighten you," and they told me not to look

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at it, but I couldn't keep away from it, and then I would have a feeling again in that spot, as if somebody struck me. I do not know whether it was a rush of blood to the head or not, but it was a terrible feeling. And I will say that I have suffered tortures since last August, and at night I prayed to God to send some one in and shoot me, because I felt so badly. I even saw the things going up and down on the mantel-piece. And there was a picture hanging on the wall, and I said to Doctor Shaw, "I don't know whether I imagine it, but I keep counting those boats on the picture, and they keep getting fewer, and I am sure I will lose my eye-sight," and he said, "Don't worry. I never knew anybody to go blind in your sickness," and several times I said to Mary, "Please take that cat out," and she said, "Why, Mrs. Korn, that was always your favorite cat," and it made me nervous, and, if it jumped on me, I would have gone into hysterics. And my bed was put up in the parlor, and I had a feeling come over me just again, as I say, like a rush of blood to my head, and I got up out of bed and I couldn't stay there, because I knew I would have jumped out of the window. I wanted to jump, and I got up and I went out and I said to Mary and the nurse, "Please

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hold me or I will jump out of that window. I feel just like jumping out of the window," and I said, "Hold me, because I feel that way," and they quieted me down and I got over that. Then, one night, it was about 9 o'clock I think, I laid on the sofa and got thinking of money. I don't know about what money, about what I had saved, or something, and I felt the same rush of blood at the head, sore like. It was a sort of pricking sensation, like pins and needles in my head, and, that night, I said to my husband -- I jumped off the sofa quick, just as I did when I was reading the HERALD one day, and I said, "There is a terrible feeling coming over me," and it was around election time, I think, and we had a walk out in the street, and we took my little girl around, and there was a parade coming along, and that kind of drew my attention, and I went home and I said, "I hope to God I will never have a spell like that again," and I went home and had another spell," and I got all the books and papers and always wanted to read, and I had a certain sickness at the time, that I don't care to mention, and I said, "Oh, doctor, tell me the truth. Will I ever get out of my mind? I would rather be dead than in an insane asylum, and I worried so about my children, be-

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cause I love them dearer than my life. Tell me the truth, doctor; will I?" And he said, always, "No, Mrs. Korn, you will never grow insane, but I can't tell how long it will take to get over this sickness," and I said, "Doctor, is there not a limit to this? In any other sickness you can tell?" And he said, "I think it will be in the spring, perhaps. You must go out and do something for yourself," and I couldn't stand the heat and I couldn't see. I thought I was going blind, and I couldn't hear, and a nurse and a friend of mine were there one day and they followed me to the bath-room, and I had to laugh. I went into the parlor, and they thought I stayed there rather long, and they looked for me, and I said, "What are you looking for me? Do you think I am going to kill myself?" And I said, "Never in my right senses. I feel terrible, but I would never do that," and they said, "We worried about you, because you were in there so long," and I smiled at the idea of it.

Q Now, do you remember reading in the newspapers about some actor that had died in Bloomingdale?

A. Yes, sir.

Q And talking about that to Doctor Shaw?

A. Yes, sir.

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Q And did you get the books of some medical company at the time?

A. Yes, sir; I bought a book of Surreycompound, and read the book about that.

Q And the book told you something about paresis?

A. Yes, sir, I read it in the book, and my symptoms were something like it.

Q Now, after the doctors had treated you in Brooklyn, you came over to New York?

A. Yes, sir.

Q And you had a letter to Doctor Seguire, the distinguished alienist?

A. Yes, sir.

Q And Doctor Seguire was away, and his partner, Doctor Booth, treated you?

A. Yes, sir.

Q And you lived in this flat up-town in New York?

A. Yes, sir.

Q And do you remember going away from there, with Eddie and Florence, on a trip anywhere?

A. I do.

Q And do you recollect at all where you went to?

A. I can recollect of going to the Grand Union Hotel.

Q And after that do you recollect where you went at all?

A. I know I slept in Jersey City one night.

Q You know you slept in Jersey City one night?

A. Yes, sir.

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Q And can you recollect being anywhere else?

A. I can recollect being in Newark.

Q Anywhere else? Were you in Philadelphia at all?

A. I was in Philadelphia, sitting in Fairmount Park, one day.

Q And when did you do that?

A. I don't remember.

By the Court:

Q Were you ever there?

A. Yes, sir, I used to

live-----

Q Were you ever in Fairmount Park, in Philadelphia?

A. I have been there, but it is a long time ago. I don't remember how many years ago.

By Mr. Jerome:

Q Well, do you remember going to see your husband, down-town, with Eddie and Florence?

A. Yes, sir.

Q When you came back from there?

A. I don't know when it was.

Q And did you have any talk with him?

A. I think I did.

By the Court:

Q Do you recollect giving your husband the keys of your house?

A. I sent them to him; I recollect sending them to him.

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By Mr. Jermoe:

Q. Do you remember his giving you the keys of the house, and your sending them back to him? A. Yes, sir.

Q. And do you remember going back to your home, and meeting your husband at 14th street? A. I bought my little girl a dress, that day, I think.

Q. Were you in your husband's office? A. No, sir.

Q. Well, where did you meet him? A. I think corner of 14th street and Sixth avenue.

Q. And that night you went home, didn't you, to your flat? A. I think I did.

Q. And after that what is the next thing you recollect? A. I don't know of anything that I recollect, after that.

Q. Do you recollect having seen this police officer? (Indicating Officer McGrath) A. No, sir.

Q. And do you recollect anything that happened there at the time of the death of little Florence?

A. No, sir.

Q. Do you recollect being in Bellevue Hospital?

A. I do.

Q. And going from Bellevue Hospital to the Police Court?

A. Yes, sir.

Q And from there to the City Prison? A. Yes, sir.

Q You recollect going with your husband and getting some creosote in a drug store, for the tooth-ache?

A. Yes, sir.

Q And was that at the time that you thought you were in Fairmount Park or before? A. I think it was before; I am not sure.

Q And then do you remember the day that you bought your little girl the dress? A. Yes, sir.

Q Do you remember going home that night?

A. That night? After I bought the dress?

Q Yes? A. I think I do, yes.

Q And can you remember anything after that, until you remember being in Bellevue Hospital?

A. No, sir, I don't.

Q Now, this is the Doctor Booth who was your doctor and treated you? (Indicating) A. Yes, sir.

Q And you saw him in Bellevue Hospital; didn't you?

A. Yes, sir.

Q And afterwards in the Tombs? A. Yes, sir.

Q And you saw this gentleman, Doctor Macdonald, in the Tombs?

A. Yes, sir.

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Q And you can't tell anything that happened up in those rooms?

A. Upon my word, I don't remember. It is all a dream.

I am like in a dream. I give you my word, even here, it is like as if I was dazed.

By the Court:

Q Do you recollect where you bought the pistol?

A. No, sir, I don't recollect buying any pistol.

Q What about that box?

A. What box?

Q That box of stuff (referring to the box in evidence). Do you know where you bought that?

A. No, sir.

Q Do you recollect buying it?

A. No, sir, I don't.

By Mr. Jerome:

Q Now, Mrs. Korn, there was a pistol -- did your first husband have a pistol?

A. Yes, sir.

Q And you kept that after his death?

A. Yes, sir, I had it in a trunk.

Q Do you remember loading the revolver?

A. No, sir; I have always been very afraid of a pistol, and I would always run away from one.

Q Now, do you remember being in Norwalk?

A. No, sir.

Q Or Bridgeport?

A. No, sir.

Q Or the Vanderbilt Hotel?

A. No, sir.

By the Court:

Q Do you recollect going down to the bank, in Wall street, and drawing fifty dollars? A. Yes, sir.

Q What bank was that? A. The Seaman's Savings Bank.

Q Did you have your children with you?

A. Yes, sir.

Q What did you draw the fifty dollars for?

A. I wanted to go to Chicago.

Q You wanted to go to Chicago? A. Yes, sir.

Q Why didn't you go to Chicago? A. I don't know.

By Mr. Jerome:

Q Did you at any time think you heard voices speaking to you?

A. Yes, sir.

Q When was that? A. I think it was in Bellevue Hospital.

Q Well, do you remember, before you went away on that trip, at Bellevue Hospital, telling Doctor Booth about hearing voices?

A. I think it was when I went to see him; I am not sure.

Q Do you recollect what the voices said to you?

A. I don't recollect now. I think I heard some one scream terribly one night, and I think I asked about it,

and they said it was not any one that helloed.

Q Do you recollect going to see Doctor Booth, and telling him something about voices, before you went to Bellevue?

A. No, sir.

Q You don't recollect that?

A. No, sir.

Cross Examination.

By Mr. Weeks:

Q Now, when you came back from this trip that you thought you took into Philadelphia, Mrs. Korn, where did you go?

A. I don't remember.

Q Do you remember coming back from the place that you thought was Philadelphia?

A. I think I came back and went away again; I am not sure; I imagine so.

Q Now, do you remember, after that trip that you took to Philadelphia, coming back and seeing your husband?

A. I remember coming back, once, and getting the keys.

Q Now, didn't you spend several days up in the flat before the shooting of little Florence?

A. I don't remember.

Q Did you have any servant in the house there?

A. I had a woman that worked for me once in a while.

Q No one living in the house with you regularly?

A. No, sir.

Q And when you went away, the house was closed entirely?

A. I don't remember that.

Q Well, was that your habit, when you went away?

A. I never went away before.

Q Now, where did you keep the trunk in which you were in the habit of keeping your first husband's revolver?

A. I don't remember where the trunk was.

Q What room was it in? A. I don't recollect.

By the Court:

Q But where did you keep your trunk? You didn't have so many of them, did you?

A. Well, I don't know, because we had just moved there. I don't remember where the trunk was.

Q And you hadn't got to rights yet?

A. No, sir, I was too sick.

Q And you don't remember in what room the trunk was put?

A. No, sir.

Q And can't you tell me whether that pistol was there or not?

A. What pistol?

(The pistol in evidence is shown to the witness)

Q Is that your first husband's pistol? A. It looks like it; I couldn't swear to it.

Q You couldn't swear to it? A. No, sir.

Q And how long had you that pistol in your trunk? A. I don't know, sir. I never touched it, because I am afraid of a revolver.

Q Well, who put it in the trunk? A. Oh, I suppose I did, a long time ago, after my husband died.

By Mr. Weeks: A. I had a tooth-ache.

Q Now, did you ever see any cartridges that belonged to that revolver? A. I don't think I did.

Q You know what a cartridge is, Mrs. Korn, don't you? A. No, sir.

Q Did you ever see any of those things around the house anywhere? (The cartridges in evidence shown to the witness.)

A. I think there was some, wrapped up in a paper, around the house. They were all wrapped up together in the trunk.

Q The pistol and the cartridges? A. Yes, sir.

Q Was there anything else wrapped up in that same paper?

By the Court: A. Not that I know of, sir.

Q Were there any letters from your first husband wrapped up in

the same paper?

A. Not that I remember.

Q Or photographs or tin-types?

A. Not that I remember, sir.

Q Where did you buy the creosote?

A. I don't remember what drug store. My husband was with me. I had a terrible tooth-ache.

Q When did you buy it?

A. I don't remember on what day.

Q For what did you buy it?

A. I had a tooth-ache.

Q Did you use it?

A. Yes, sir; I pulled the tooth out, afterwards, and my husband has it.

Q And how long before this forgetfulness of yours was it that you bought the creosote?

A. I don't remember that.

Q What did you do with the bottle of creosote; did you buy it in a bottle?

A. I don't recollect.

Q Did you buy it in a bottle?

A. Yes, sir.

Q How large a bottle was it?

A. I think it was that big (illustrating).

Q And where did you keep it?

A. I don't remember that.

By the Court:

Q When you were keeping house, who paid the bills?

A. I paid the bills, but my husband gave me the money.

Q You took care of the house?

A. What do you mean? Support the house?

Q No. I mean by that, you looked after your own household affairs; didn't you?

A. Yes, sir.

Q You paid the butcher and the baker?

A. No, sir; my husband used to pay them.

Q Did you have a servant?

A. Yes, sir; most always.

Q Who paid the rent?

A. My husband.

Q He paid the rent?

A. Yes, sir.

Q Now, who looked after the children?

A. I always looked after them.

Q You dressed them?

A. Yes, sir, and loved

them dearer than I love my life. I gave them every comfort that money could buy.

Q Did you make their clothes, or did you buy them?

A. No, sir, I used to make some of them when I was able, but I was sick.

Q How long ago is it since you got so sick, when you couldn't make the clothes?

A. Over a year ago.

Q Do you know how much you paid for your little girl's dress?

A. Six dollars, I think.

Q Do you know where you bought it?

A. I bought it in Hearn's.

Q Was it ready-made?

A. Yes, sir; I wanted her to look nice.

By Mr. Weeks:

Q Did you ever tell anybody that you were going to kill your little girl and little boy?

A. No, sir.

Q Did you ever write to anybody that you were going to kill them?

A. No, sir.

Q Did you ever tell the doctor that you were going to kill yourself, and that you wanted him to have your brother out West take great care of the children?

A. I don't recollect telling anybody about that. I know. I worried-----

Q Didn't you say that you were going to shoot them?

A. No, sir. I never recollect saying that in my life.

Q Never?

A. No, sir.

Q Don't you remember taking the revolver?

A. No, sir, I don't. I am afraid of a revolver as I am of a snake.

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Q Do you recollect telling the police officer that you had shot yourself, pointing out the place on your dress?

A. No, sir, I don't.

Q Have you got that dress that you had on the day this trouble took place?

on.

A. I don't know what dress I had

Re Direct Examination.

By Mr. Jerome:

Q There was something that you told me about in the City Prison that occurred to you while you were living in Brooklyn. You said you had a kind of lifting sensation in the head?

A. Yes, sir, I felt as if my head was lifting right up from my head, and I put my hand up to my head to see if my head was on.

ERNEST J. KORN, called by the Defence, being duly

sworn, testified as follows:

Direct Examination.

By Mr. Jerome:

Q Now, Mr. Korn, I want you to talk loudly. You are the husband of the defendant?

A. I am.

Q And you and your wife were living in Brooklyn during last

year; before you moved to New York?

A. Yes, sir.

Q Now, during last summer and autumn, before you came to New York, what was her health; good or bad?

A. Very bad.

Q How about her sleeping? A. She couldn't sleep at all.

Q How about her appetite? A. It was none at all.

Q Did she complain of pain at all? A. Yes, sir.

Q Where? A. In her head. The pain was from here to here (indicating from the top to the back of the head, on the left side.).

Q Was she nervous? A. Very nervous. The least little word made her excited.

Q And when did you move over to New York here?

A. I think it was the 28th of March.

Q Of March? A. Yes, sir.

Q Now, when was it that she went off on this trip around the country?

A. I think it was about the 15th of April, or something like that; I don't recollect.

Q Well, did she come down and see you before she went away?

A. No, she didn't.

Q You went home and found that she was not there?

A. As I came home the nurse was there, and they made some supper for me, and I learned from her, in case my wife don't come home, then that I shall eat alone.

Q Then that nurse was Mrs. Fielding? A. Yes, sir.

Q And she has gone to Lewiston, Maine? A. Yes, sir.

Q And she gave assistance to your wife in the house?

A. Yes, sir.

Q She came in the morning and went away in the evening?

A. Yes, sir.

Q And did your wife come home that night?

A. No, she didn't.

Q And how long was it before you saw her again?

A. I seen her about a week after that.

Q And where did you see her? A. I met her at

Duane and Hudson street.

Q And how did you come to go there? A. Well, little

Eddie came there to my office and said mama is waiting for me and I shall see her.

Q And what did she say to you? A. Well, she

told me if I can go home with her, but I couldn't; I couldn't leave the store alone. So consequently I give her

the keys and said, "It is all right. Go home. Don't fear of anything, and come home at 6 o'clock." Afterwards, I bid her good-by and went back to my office again; and, in about a half an hour after that, a messenger brought me the keys back. So I know that she isn't home. I know that, and so, in the evening at 6 o'clock I went home by myself, alone.

Q And then what? When did she come home after that?

A. After ards she came home. It was about a week after that.

Q A week after that? A. Yes, sir, not quite a week.

Q And did she see you down-town before she came home?

A. Yes, sir, and she said to me if I come home with her now, and I said, "No, I can't, but I will meet you, at 6 o'clock, corner of 14th street and Sixth avenue," and I came there at 6 o'clock and I met my wife at Sixth avenue and 14th street.

Q Well, did you go home? A. Yes, sir, we went together to our home.

Q Now, when you got home to your house, how long was it before the killing of this child happened?

A. I was home all day, all the time.

By the Court:

Q Were you there the day your child was killed?

A. No, sir.

By Mr. Jerome:

Q How many days before the child was killed was it that you went home with your wife that night?

A. I guess it was Thursday.

By the Court:

Q And what day was the child killed? Do you know?

A. That was May 2nd, I think; it was on a Friday night.

By Mr. Jerome:

Q Well, was it a week before the child was killed?

A. Yes, sir.

Q Now, did your wife ever -- did she tell you where she had been, when she had been away?

A. Yes, sir, she told me.

Q And where did she say she had been?

A. She said she was in Philadelphia.

Q And how long did she say she stayed in Philadelphia?

A. Well, all the time; I don't know, I didn't question her about it.

Q Did she ever go on a trip like this before?

A. No, sir.

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Q Did you ask the boy any questions, where they had been?

A. No, sir.

Q And you didn't ask her any questions?

A. No, sir; not many.

By the Court:

Q And you took no interest in it at all? A. Oh, yes, sir.

Q And didn't you know that she was a very sick woman?

A. Yes, sir; and I thought she went away for her health, you see. That's what I thought.

By Mr. Jerome:

Q Now, during all this time that you were living at the flat, did your wife ever ask you to stay home and not go down to business?

A. Yes, sir.

Q And did she tell you why? A. Yes, sir, she told me, "I feel very sick. Please stay home with me," but I said, "I can't, because I have to attend to business downtown."

Q And did she say that she was afraid something would happen?

A. Yes, sir, she was afraid of something; she was afraid of something.

Q Now, when she met you downtown the first time, the afternoon that she sent the keys back, did she ask you to go home.

with her then?

A. Yes, sir.

Q And did she say that she was afraid to go home?

A. Yes, sir.

Q And when you met her at 8 o'clock, did she say that she was afraid to go home?

A. Yes, sir; to go home alone.

By the Court:

Q Where were you the day the child was killed?

A. In my office.

Q Where is your office?

A. My office is 181 Duane street.

Q When did you learn of the killing of the child?

A. I got a telephone, about half-past 2 in the afternoon.

Q And did you go up there?

A. I left the office right away, and I got up there about a quarter past 3, something like that; I recollect that very well.

Q And who was in possession of the house then, any one?

A. Nobody.

Q How did you get in?

A. I had a key.

Q Did you wife ever tell you that she was at Jamaica and at Hartford and at New Haven?

A. No, she didn't know anything.

Q And at Norwalk?

A. No, sir.

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Q Did you furnish her with the money to go away that time, or was it her own money? A. Well, it was mine and hers, together.

Q Well, who used to put the money in bank?

A. My wife; I give all the money to my wife.

Q And she put it in the bank? A. Yes, sir.

Q And she drew it out as she liked? A. Yes, sir, she can draw out as much as she wants it.

By Mr. Jerome:

Q Did you ever see that pistol? A. No, sir.

Q Or that box of poison there? A. No, sir.

Cross Examination.

By Mr. Weeks:

Q Now, Mr. Korn, when was it that you first came home and found that your wife was not there?

A. Well, I was very surprised.

Q What? A. I was very much surprised.

Q When was it? A. I don't recollect the day very well.

Q How long had you been in the 68th street house?

A. Since the 28th of March.

Q And how long had you been there when she disappeared?

A. She has disappeared about the middle of April.

Q About the middle of April? A. I think so.

Q And had you had any quarrel with her?

A. No, no quarrel whatever.

Q And did you make any search for her?

A. No, sir.

Q Did you know where her aunt lived? A. Yes, sir.

Q Did you go there? A. No, sir.

Q What? A. No, sir.

Q Do you know where her brother lives? A. I do.

Q Did you inquire of him? A. No, sir.

Q Did you write to Chicago, to inquire of him about your wife?

A. No, sir.

Q You know those two children of hers, the little boy and the little girl?

A. Yes, sir.

Q Was the little girl a bright little girl?

A. That was my pet, that little girl.

Q Was she as bright for her age as the little boy is?

A. Yes, sir. Q

Q And you never asked anybody what had become of your wife or the children?

A. Yes, sir, certainly; I in-

quired.

Q Who off? A. I inquired by the janitor, and he didn't know anything about it, and I kept it mostly by myself.

Q Now, who do you work for? A. I work in Duane street.

Q For whom? A. In the coffee business.

Q For whom? A. Benedict and Gaffney.

Q How long have you been working there? A. Four years.

Q And what is your position there?

A. My position was book-keeper and manager of the business.

Q Wholesale coffee? A. Yes, sir; coffee, teas and spices.

Q And how many are employed there besides yourself?

A. Only a little boy.

Q Anybody else on the floor? A. No.

Q Either of the members of the firm attend to the business?

A. Myself and Mr. Benedict and the little boy.

Q And the other member of the firm? A. He is sick and away since October of last year.

Q Now, your wife sent for you? A. Yes, sir.

Q And you went down to meet her one day? A. Yes, sir.

Q And she said she was not feeling well, and she was feeling

sick and afraid to go home alone?

A. Yes, sir.

Q And it made no difference; she had to go home alone?

A. Yes, sir.

Q And she sent back the keys to you?

A. She did.

Q And did you make any search for your wife then?

A. I expected her to be home then.

Q She was home when you got home?

A. No, sir.

Q When you found out she was not at home, did you make any search?

A. No, I couldn't.

Q Did you go to the station house?

A. No, I didn't.

Q Did you go anywhere to look for her?

A. No, sir; because I thought she would come back.

Mr. Jerome: The District Attorney kindly consented that I should read a written statement, instead of calling Dr. Edward G. Janeway, and I wrote to him and received this letter from him, I will read it, with the permission of the Court.

Mr. Jerome reads the letter, and it is marked Defendant's Exhibit 1.

MARGARET HALL, called by the Defence, being duly sworn, testified as follows:

Direct Examination.

By Mr. Jerome:

Q Mrs. Hall, do you live at 278 Tompkins avenue, Brooklyn?

A. Yes, sir.

Q And you know the defendant, Mrs. Korn? A. Yes, sir.

Q And have known her for some time? A. Yes, sir.

Q You knew her when she lived in Brooklyn? A. Yes, sir.

Q You were quite a friend of hers? A. Yes, sir; saw her almost every week.

Q Now, from Easter of last year on, what was her state of health? A. Very poor, and nervous. She was in very poor health.

Q Did she appear weak or strong? A. Very weak.

Q And how about her appetite? A. Very poor.

Q Ete very little? A. Yes, sir.

Q Did she complain of pain? A. Pain in her head.

Q Did she say what the character of it was, what it was like?

A. Why, a heavy, dull feeling.

Q Now, was she in the habit of discussing or talking about being ill? A. Yes, sir; most always.

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Q And complaining a great deal? A. Yes, sir.

Q How about fearing to go insane or about dying?

A. Yes, sir; she would often say that the way her head felt she was fearful of going insane, and she often remarked to me, "What would I do with my children? That is all that worries me. If I hadn't them, I wouldn't care what became of me." She often said that to me.

Q Was she excitable? A. Yes, sir, a slight thing would excite her; sometimes I would be afraid to say anything, because I was afraid to insult her.

Q And was she despondent or in high spirits?

A. She was very despondent sometimes; and sometimes, when I would talk with her, she would rally and be quite cheerful.

Q And then she would sag back? A. Yes, sir.

Q And did you notice that anything sudden alarmed her, any sudden noise?

A. Yes, sir.

Q Well, now, did you ever notice about her, in her conversation with you -- was her memory good or not?

A. No, sir, it was very poor. Sometimes, she would commence a conversation and she would forget what she was going to say, and I would have to remind her, and she would

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say, "What was I speaking of?" And I would remind her, and she would sometimes falter in her conversation.

Q And would she repeat things to you?

A. Yes, sir; she would repeat things over and over again.

Q Now, from Easter on, did this depression seem to increase or decrease?

A. Oh, it seemed to increase. On one occasion she seemed so depressed, that I had a bottle of brome-seltzer, and I said, "Take a dose of that, and it will bring you up," and before she went away she said,

"That did make me feel a little better, and I will take another dose," and I gave her another dose, and I said to my sister, "I think I will go home with Mrs. Korn, she seems so absent-minded," and she said she could go home alone. She had her little boy with her, and I told him to take care of his mother.

Q And was her demeanor affectionate to her children?

A. Why, she idolized them.

Q And when she lived in Brooklyn she was quite intimate with you?

A. Yes, sir, and she told me she was going to New York.

Q And have you seen her since then?

A. No, sir; I never saw her after that.

By the Court:

Q You never saw her in New York? A. No, sir.

Cross Examination.

None.

Mr. Jerome: I will now read the testimony of Doctor Shaw, which was taken yesterday. He is a Brooklyn physician.

Mr. Jerome reads the testimony, and it is marked Defendant's Exhibit 2.

J. ARTHUR BOOTH, called by the Defence, being duly sworn, testified as follows:

Direct Examination.

By Mr. Jerome:

Q Doctor, you are a practising physician in this city?

A. Yes, sir.

Q Practising in the city of New York; are you?

A. Yes, sir, I am.

Q And have you made a specialty of the study of nervous diseases?

A. I have.

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Q And of mental aberration and alienation?

A. Yes, sir, I have.

Q And what experience have you had, how long and where and in what capacity have you had experience in this line?

A. Well, for the last eight years I have made it a study. I have been attending physician to the Nervous Department of the Manhattan Eye and Ear Hospital for that length of time, and I have been associated with Doctor Seguire, a specialist in this city, for five years.

Q And were you connected with the Flatbush asylum for a time?

A. No.

Q And this defendant, Mrs. Korn, was a patient of yours?

A. I saw her twice before this-----

Q Before the occurrence of the 5th of May?

A. Yes, sir.

Q And you saw her subsequently in the City Prison and Bellevue Hospital?

A. Yes, sir.

Q Now, when did you first see her, and tell us what observations you made at the time?

A. I saw her on the night of the 30th of March, at 11 o'clock, when I returned home, at that time. I found that she had called at the office at about half-past 8, and, al-

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though told that I would not be back until late, she insisted upon remaining, which she did; and, when I came in at 11 o'clock, I found her in the reception room and she insisted upon seeing me that night, and she said she could not live through another night. So, under the circumstances, I agreed to see her, and I found her -- that she was crying and complained of her head, and kept reiterating the statement that she had general paresis and would not get well, and that her head pained her so terribly that she thought it would burst. I didn't make any very satisfactory examination that night, as it was late and she was crying so, and seemed so emotional that night. After trying to reassure her, I asked her to come next day, giving her a sleeping potion, as she said she had not slept at all for several nights. And she returned on April 6th, I think it was, she returned on April 6th, when I finished the examination and found that besides the head-ache, chiefly in the back part of the head, of which she complained, she stated that she knew she had general paresis and that she had the symptoms pointing thereto, although the examination that I made failed to reveal any symptoms of paresis.

Q. Will you state in detail, so that Doctor Macdonald may have

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the benefit of it, what was your examination?

A: The complexion was muddy and the tongue clean and the knee-jerks were equal and high; no-clonus. The grasp of the hands was equal, the hands were steady. Repeats every few moments, "Am I going to die? I am sure I am going to die." The pulse was of fair strength, 86. There was no cardiac trouble. The pupils were equal; they reacted to light and accommodation. The fundus of the eye was normal. There was no tenderness of the spine. And she heard voices, telling her that she had general paresis.

Q She complained to you of hearing these voices?

A. I brought that out on examination. She did not complain that she had heard voices, but, in asking her questions, I brought that out.

Q And her reply was that she heard some telling her that she had paresis?

A. Yes, sir.

Q And did she tell you about reading of the actor that died of paresis?

A. Yes, sir.

Q And did you ask her how she got the idea of paresis?

A. Yes, sir; she told me that she had read of it, and her symptoms pointed that way.

Q Have you examined her since then?

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A. I have not examined her, but I have seen her since.

Q When did you see her again after that first interview, or last interview, Doctor?

A. On May 10th, at Bellevue.

Q And what was her condition?

A. She was depressed and crying, and she stated that she did not remember anything about the events that had occurred and, as I did not go there to examine her, but as I went only there to see her, at the request of her husband, to encourage her, I did not make any examination whatever, and I cannot state what I saw without examination.

Q And did you see her subsequently?

A. Yes, sir; I saw her in the Tombs.

By the Court:

Q When, Doctor? A. I do not recall the date of that.

Mr. Jerome: I can't tell you, exactly, but I can tell you approximately. It was about the 17th or 18th of June.

The Court: Well, we will assume that that is right. What about her then?

By Mr. Jerome:

Q What was her condition then?

A. She seemed to

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be quieter, and she did not cry during the interview that I had with her. She was anxious, and still persisted in not remembering the facts of this occurrence.

Q Doctor, in your opinion, what was the condition of this woman when she saw you last before the 5th of May, her mental condition?

A. Her condition was one which I would describe as being melancholia.

By the Court:

Q And that is a species of insanity? A. Yes, sir.

By Mr. Jerome:

Q Would you have hesitated, at that time, in joining with any reputable physician in having her committed to an asylum?

A. I would not, no.

Q Did you give her any advice?

A. I told her that I would like to see her husband. She always came with Eddie or someone else, and she asked me if she was insane, and I told her no, because I didn't like to tell her.

By the Court:

Q You wouldn't have told her, anyway; would you?

A. No, sir.

By Mr. Jerome:

Q Now, you have sat beside me, Doctor, today, and heard the testimony as to this act of the 5th of May?

A. Yes, sir.

Q And you have heard the description given by the defendant herself, of her symptoms?

A. Yes, sir.

Q And the testimony of Mrs. Hall, and her husband, and her son as to her sickness and sufferings?

A. Yes, sir.

The Court: Now, Mr. Jerome, is that the way to draw that out?

Mr. Jerome: No, sir. I will ask the hypothetical question.

By Mr. Jerome:

Q Assuming, Doctor, a woman of thirty-five years of age, who had nursed her husband through a long illness; who had become much run down physically and was very nervous and had little or no appetite; who slept very little; who was nervous; who had apprehensive feelings; who had, on one or more occasions, a sort of lifting feeling, one one occasion, as if the head was coming off; who had an idea that she was afflicted with an incurable disease, paresis, and obtained

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from reading one of those anomalous publications which advertise certain medicines, and believed that her case was like that of an actor who died in the Bloomingdale Insane Asylum of paresis; and that this condition continued for over a year; and was affected with much despondency, and she wept at times; and she was afflicted with the delusion that her husband had a horse's tail; and she had these pains in the head, and complained of hearing the cracking of branches of trees in her ears; and started at sudden noises; and was irritable on slight provocation; that, after these symptoms had continued nearly a year, she, on one occasion, without any apparent reason, took her two children and went away with them, and travelled in an aimless and meaningless way from place to place, and, while so travelling, imagined that she was in Philadelphia, though she was not near that city; and, on her return, expressed apprehension, and feared to be alone, and feared that she would die and leave her children unprotected; and that, after such a trip, she endeavored to and did administer a portion of a poisonous compound to those children, one being five and a half and the other about eleven years of age; and that always previously she had appeared most affectionate and devoted to those

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children; that, when she administered this poison, she suddenly fled from the room in which she was; that she returned and looked under the table where one of the children was; and that, at that time, she shot one child through the hip, and took the other child, as subsequently described by herself, up in her arms, a little child of five and a half years, and shot that child so it died, and then shot herself through the body at least once, and that, upon the appearance of the police officer and another man, she expressed the desire to have killed the child whom she had only wounded, and said that she hoped he would die; that she said, in regard to the other child, that she had, at any rate, killed that child; and who subsequently had no recollection at all of these events, and whose memory was almost entirely a blank for at least a time, covering the period of this transaction; assuming those facts to be true, and the additional facts, which you can read from that statement of yours, Doctor, -----

A.² That such a person had delusions of having general paresis, and she heard voices, said that she had general paresis; and that she was depressed mentally and was not sleeping, suffering from terrible pains in the head, empti-

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ness and binding sensation of the head, no ambition, no memory, that she states that she is going to die with this disease, that there was no help for her, and what should her children do if she did die. I think that is about all.

Q Yes. Now, assuming all those facts to be true, Doctor, in your opinion as a medical man would that person, committing the act specified in that question, as committed on May 5th, '93, of killing that little girl, Florence Waring, would that person be in such a condition of mind as to know the nature and quality of the act she was doing?

A. I should say not.

Q Have you got any doubt on that subject?

A. No, I have no doubt.

Q And would she be in such a state of mind as to know whether the act was wrong or not?

A. She would not.

Q You would consider such a person insane; wouldn't you?

A. I do.

Q And laboring under such a defect of reason as not to know the nature and quality of the act she was doing?

A. Yes, sir.

Q And not knowing that it was wrong?

By the Court:

A. I do.

Q You class her case as one of melancholia?

A. Yes, sir.

Q Now, Doctor, you have told us a good deal about this woman and her case. Is this disease, assuming that she has this disease, is it likely to become worse?

A. No, I think not; I think it will improve.

Q Do you think it would be dangerous to let her loose now?

A. I should not advise her being loose now; I should advise her being secluded now for a time.

Q Do you think it would be safer for her and safer for the community?

A. Yes, sir, I think it would be safer for her, and for the community.

Cross Examination.

None.

CARLOS F. MACDONALD, called by the Defence, being duly sworn, testified as follows:

Direct Examination.

By Mr. Jerome:

Q Doctor, you are a physician and surgeon, practising in the city of New York?

A. Yes, sir.

Q And you have made a specialty of nervous diseases and alienation?

A. Yes, sir.

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Q Will you state your qualifications, Doctor?

Mr. Weeks: What public office of that character does he hold now?

A. Well, I have been connected with institutions for the insane, officially and professionally, since 1870, and have been superintendent of three different asylums; and, since '89, president of the State Lunacy Commission.

By Mr. Jerome:

Q Do you know Dr. Shaw, whose deposition I read?

A. Yes, sir.

Q He was at one time superintendent of the Flatbush asylum?

A. Yes, sir; and he is recognized as a specialist in mental and nervous diseases.

Q You examined this woman, Fannie Korn, did you not?

A. Yes, sir.

Q When was that, Doctor?

A. I think the first examination, which was a brief examination, was on or about the 15th of June. And the second examination, which was more thorough, was on the 25th of June, I think.

Q And that was in the City Prison, was it not?

A. I will have to refer to notes, made at the time.

Q That was in the City Prison?

A. Yes, sir. I found her a woman aged thirty-nine, a native of Indiana, with no hereditary predisposition to insanity. First married at the age of 27 years. Her husband died in 1890. She was again married, to Mr. Korn, on September, '91, and gave birth to a child about nine months afterwards, during which she had a very hard labor and confinement, which left her weak and nervous, and from the effect of which she had never fully recovered. She had consulted various physicians about her general condition and nervousness, and said she had been to the country during the previous summer, where she was very much depressed, and suffered from sleeplessness, loss of appetite and constipation, and had lost all interest in her family and could do no work. She said that she was unable to maintain any interest in her household duties and the care of her children, and that she was subsequently treated by Drs. Lang and Russell, of Brooklyn, for nervous prostration, and getting no relief, she consulted Dr. Janeway, in September or October, last. He told her she was nervously prostrated and advised her to go to a sanatorium, and afterwards she consulted Dr. Shaw of Brooklyn, who treated her nearly all

winter, and subsequently went to Dr. Booth, who treated her for some time. She thought she had paresis, and she had read a book on that subject, describing the symptoms, and recognized the symptoms in her own case, and became thoroughly convinced that she had paresis. She suffered again from sleeplessness, and was apprehensive of almost everything, and was in a state of constant dread. She was afraid of light and of those about her; had a vague sense of impending danger of some kind. She said, at this time, her monthly sickness was also arrested, and that she lost flesh rapidly. She said that she had imagined that her husband had a horse's tail. She complained of ill-treatment on the part of her husband, and intemperance. She denied all recollection of the shooting or events surrounding the homicide. During the conversation she wept frequently, and repeatedly claimed that she was not insane. I learned, from her history, that, on one occasion, she had wandered away from home for two weeks, and she was unable to tell me where she had been, except as she had been told by others, during that time. She said that she had no affection for her husband, but wished him no harm; she was willing to leave him in God's hands, and, if she had done anything

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wrong, she was willing to give up her life for it. She said that she couldn't believe that her little girl was dead, although she had been told so repeatedly, but that she was unable to bring herself to believe that. Her facial expression was ^{one} ~~only~~ characterized by morbid mental depression, or melancholia. Her hands were cold and clammy, and her tongue cold and tremulous, and the pupils of her eyes dilated. I learned, upon inquiry from the Matron and Assistant Matron in the Tombs, that her appetite was very poor, and she slept badly, and her general condition was one of feebleness and debility. Her pulse was about 90. During the examination, I think I tested it twice. I found no evidence of any organic disease, but she was, in my opinion, in a condition of melancholia, that form of insanity known as melancholia, and I gathered from her history, and what I observed, that she was somewhat improved at the time of my examination, as compared with the condition at the time of the homicide.

By the Court:

Q Did you hear the hypothetical question which was put by Mr.

Jerome to the last witness?

A. Yes, sir.

Q Now, assuming that to be repeated to you, will you please

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answer it?

By Mr. Jerome:

Q Assuming that to be repeated to you, what, in your opinion, would be the mental condition of the person in regard to whom those facts were assumed, when she did the act of killing that child, Florence Waring, on the 5th of May?

A. Why, I think she was insane.

Q In your opinion, was there such a defect of reason as that she did not know the nature and quality of the act that she was doing?

A. I think she had no rational comprehension of the nature and ^{quality} ~~small~~ of the act.

Q And that she didn't know it was wrong? A. No, sir.

Cross Examination.

By Mr. Weeks:

Q I will ask but one question, your Honor. The examination that you made of this defendant was made at the request of the District Attorney; was it not? A. Yes, sir.

By the Court:

Q This condition that you have described, melancholia, still exists; does it not?

A. In my opinion, it does.

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Q It does?

A. Yes, sir. I think she is to-day in a condition of melancholia. She is improving slowly, and has a possible, if not probable, chance of recovery, under proper surroundings and care.

Q And you think it would be advisable or not advisable to permit her to go at large?

A. I think she should not be permitted to go at large. I think she would be liable to develop tendencies to violence again, until she recovers.

Mr. Jerome: That is the case for the defence. We have no desire to sum up.

Mr. Weeks: I will leave the case, under your Honor's charge.

(The case is closed.)

11/2/70 Case Re opened

Edwin Waring, at 88, convicted of poisoning his wife and 11 children and 36 grandchildren at Family Reunion; also admits poisoning of his baby sister Florence in 1893

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