# THE BOND STREET BUTCHERY.

## CHEMICAL AND MEDICAL TESTIMONY.

### NO MORE LIGHT.

### THIRTEENTH DAY'S PROCEEDINGS.

Yesterday the usual crowd collected on the street opposite the place where Coroner Connery holds Court, with a determination to "wait until the end should come." Notwithstanding the coldness of the atmosphere, they manifested a degree of patience unparalleled. Certainly the people who thus waste their hours can have but little respect for the claims which the community have upon their services, and still less appreciation of the value of time to themselves.

The Jury did not resume the inquest till about 11 o'clock. The testimony was mostly from medical men, of whom "the name was legion," as our report will amply show.

The city having been sifted for trunks, one was found in Jane street, and conveyed for inspection to No. 31 Bond street. This box, for so the Coroner termed it, was submitted to a commission, headed by Dr. Doremus, who subsequently reported the contents to be "rags." The report was received, recommended to the press, and the commission duly discharged.

The Coroner, having in anticipation a new package of letters, which are not to be anonymous, having in them suggestions calculated to throw some new light upon the murder of Dr. Burdell, granted a recess until Saturday morning, when it is confidently expected, at all events sincerely hoped, the Coroner will make short work, and wind up the investigation.

### THE TESTIMONY.

The Inquest opened at 11:10 a. m.

Judge Capron—Well, Mr. Coroner, shall we proceed with our investigation?

Coroner—Yes, Sir.

Judge Capron—You will have to swear the witness, Mr. Coroner.

Coroner—The Press has already got the substance of the medical witnesses' testimony yesterday. A portion of it has been given and signed by all the physicians who examined the body. A subsequent portion, regarding the cuts and their measurement, was the opinion of Dr. Woodward alone.

Judge Capron—It will be unnecessary, therefore, to ask those witnesses anything except whether they concur in Dr. Woodward's statements.

### TESTIMONY OF WILLIAM KNIGHT.

Judge Capron—Were you present yesterday during the examination of Dr. Woodward? A. I was, Sir.

Q. Did you examine and understand his evidence? A. Yes, Sir.

Q. Did you agree with or dissent from the Doctor's statement, in whole or in part? A. I agree with all that he has stated.

Q. If there is any portion of this narration or opinion which you dissent from, will you have the kindness to state them? A. The only thing is about the wounds in the neck being given from behind or before, that I can see.

Q. You decline expressing an opinion on that point? A. Yes, Sir.

Q. The wounds in the artery, as I understand? A. The wounds in the artery.

Q. Do you dissent or agree with him respecting the character of that wound? A. I agree with him.

Q. Well, it may be important to inquire of you, and I would therefore do so, whether you make any difference in the case respecting the manner in which that murder was committed, based upon the difference of opinion or the uncertainty of the question which you have mentioned? A. It is all theory; I cannot.

Q. Would it make any difference in respect to the manner of his death—the length of time he would have lived after the wound was inflicted? A. He would live, I think, about ten seconds after the wound in the neck.

Q. Would it make any difference in the length of time he would live whether he was struck from before or behind? A. It would make no difference.

Judge Capron—I don't think it important to waste any more time in that respect.

Coroner—The Doctor says again in reply to a Juror that from the contents of the stomach he should think that the man had been eating about an hour and a half previously, or two hours, probably.

Q. Any particular kind of food? A. There was small portions of meat and pickles, and so on, partially digested—about half.

Q. Anything else? A. That's about all I could find.

A Juror—Can you tell within half an hour in regard to this matter? A. No, Sir, we can't tell so short a time as half an hour; it was about an hour and a half or two hours.

### TESTIMONY OF STEPHEN A. MAIN.

Judge Capron—The surgeons desire a little explanation from you on a particular point before they present their report. It is in reference to the blood found on the front door, when you came in with the policeman. I will ask you first what time you came into the door? A. From half-past 8 to a quarter to 9.

Q. A quarter to 9? A. Within 15 minutes of that time.

Q. When did you discover that blood? It was after I went for the policeman and had come back with him; one of the policemen whom I've seen here ofttimes was looking to find out traces of what we could see; among the rest we found the blood coming down the flight of stairs—three or four spots; that was the last we saw until we came to the front door; when we opened the front door we saw a small particle on the casing of the door where it shuts.

Q. You entered the house before you went for the policeman? A. Yes, Sir.

Q. So that the policeman could not have got the blood there? A. No, Sir; I had more to do about the body than he had.

Q. Had or had not the policeman been to the body before he discovered that blood? A. No, Sir, I think he had not, Sir; and I would here state if he had he could not have got it there; I turned him over myself; I don't think the policeman touched him; but the blood was so dry it didn't get on my hand when I turned him over.

Q. Will you tell us how high from the floor that spot of blood was on the door and the casing? A. I should think it was about six to eight inches above the lock; it might have been ten inches probably.

Q. How many feet above the floor? A. Probably about four to four and a half feet, and about from six to ten inches above the lock.

Q. Have you examined that door since that time? A. Yes, Sir.

Q. Do you know whether that spot of blood is on it now? A. It was taken off on last Sunday by some of the medical department, and a piece taken out of the door; the spots of blood are on the wall the same as we first discovered; a piece of wood was cut of the door.

Judge Capron—That's all; I would thank you not to leave until those physicians come; they may want something else of you.

Judge Capron—It seems to be cold here—at least I am cold; I don't know whether others are; we ought to have fire enough.

There was ten minutes of confusion.

Coroner—Order, now, gentlemen of the Jury.

Judge Capron—The Coroner desires me to say to you that he has sent for the book that was here to day—the clergyman's register of marriages who married Mrs. Cunningham to somebody; I will read the entry made on that book about that marriage.

Under the title of "Marriages" are the figures "1856, Oct. 28," and the character "$10." Under the title of "Names of Parties," is "Harvey Burdell; Emma Augusta Cunningham."

A Reporter—How is Burdell spelled?

Judge Capron—B U R. It is an altered word.

Under the title "Condition," against Mr. Burdell's name, is "S.," signifying, I suppose, a single man—a man who had never been married, I presume. Opposite Mrs. Cunningham's name is "W."

Coroner—It means single and widow.

Judge Capron—Under the title "Nativity" is "New-York" against Dr. Burdell; "New-York City" against Mrs. Cunningham.

Under the title "Age," against the Doctor's name is "44," figures; against the lady's, "35."

Under the title "Residence," against the Doctor's name is a blank; against the lady's name, "31 Bond street."

Under the title "Color" is "W." against both.

Under the title "Where Married," against the lady's name—so that looks as though it were intended for both—is "732 Greenwich street."

Then, under the whole, written apparently in pencil or very pale ink, are these words, written on a line: "Margaret—Witness, Augusta Cunningham, 31 Bond street, daughter of the bride." It is written in very pale ink—that line is in very pale, and I think it is in pencil.

Coroner—Pencil mark.

The following is a transcript of the entry:

$10. October 28, 1856.
NAMES.
Harvey Burdell. Emma Augusta Cunningham.
TITLE OF CONDITION.
Burdell..S..Unmarried. Cunningham..W..Widow.
NATIVITY.
Burdell, New-York. Cunningham, New-York City.
AGE.
Burdell, 44 years. Cunningham, 35 years.
RESIDENCE.
Burdell, —— —— Cunningham, 31 Bond st.
COLOR.
Both White.
WHERE MARRIED—Cunningham, 732 Greenwich.
In pencil mark at the foot of the page.
WITNESS.
Margaret. | Augusta Cunningham, 31 Bond st., daughter of the bride.

### TESTIMONY OF R. OGDEN DOREMUS.

Judge Capron—Are you ready, Doctor E., to make your report?

Coroner—Dr. Robert Ogden Doremus.

Judge Capron—Are you a physician and surgeon in this city? A. I am a physician by degree and a chemist by profession.

Q. Have you made a chemical analysis in relation to some of the clothing, or the stains on the clothing found belonging to the Doctor? A. I have made a chemical and microscopical examination of these articles, in company with Drs. Gouley, Childs and Van Buren.

Q. Have you, with those gentlemen, prepared a report of the results of that examination? A. We have, Sir.

Q. Have you that report with you? A. Yes, Sir.

Q. I would thank you to read it to the Jury slowly, so that it can be taken down easily, if you please.

Coroner—So that we can understand.

Dr. Doremus then read the report, as follows:

We, the undersigned, appointed by the Coroner and Jury to examine, chemically and microscopically, certain articles found in the house No. 31 Bond street, in reference to their connection with the death of Dr. Harvey Burdell, viz: stains resembling blood upon small dagger; on sundry articles of wearing apparel, a sheet, towel, matting, oilcloth, door-knob, stair rods, walls, etc., etc., respectfully report the following results: The dagger was first examined and the blade found slightly stained near the hilt, but the woolen lining of the guard, though in contact with the spots, showed no appearance of blood; neither the smooth surfaces of the ivory handle nor the creases between the trimmings of the same exhibited traces of blood, nor probably could any have been removed by washing, for the particles of dust found at the bottom of said creases appeared to be of long standing; the spots, though trivial in amount, were carefully removed from the blade and subjected to chemical analysis; they yielded abundant precipitates characteristic of iron, but did not answer to the distinctive tests for blood; they were also repeatedly examined with the microscope; no blood-disks could be detected, but the particles presented, on comparison with ordinary iron-rust, the same angular outline; a small knife, known to surgeons as a French bistoury, was inspected, but presented no suspicious appearances; the stains on the towel, night-gown, marked shirt, blue and white dress, sheet, and also the spots on the matting in the closet, where the above-mentioned stained clothes were found, responded to the chemical tests for blood; under the microscope the same objects showed altered blood disks and nucleated epithelial scales in abundance; the stains on the outside door-knob of the unoccupied room on the same floor, and on the stair rods from the flight leading from the second story to the attic, yielded similar results; streaks simulating blood, on a blue silk dress found in the attic, were discovered by chemical analysis to contain sugar; no blood could be detected; the microscope also proved its absence; stains on a small book found in the parlor (furnished by a juror) did not answer to the chemical or microscopical test for blood; the stains upon a newspaper (*The Herald* of Saturday, Jan. 31, 1857) found around books in Eckel's secretary, although proved by chemical analysis to be blood, under the microscope showed altered blood disks differing from those upon the other articles examined in presenting a less average diameter; the stains upon the butcher-knife, brought from Stanton street, exhibited similar appearances to that upon the newspaper; all that could be procured by the Commission of the garments of Eckel and the Cunningham ladies including boots and shoes even carefully scrutinized, but no blood-stains were found; the table cutlery was examined but no evidence in the shape of stains could be detected; sundry half burned scraps of paper and a small piece of coarse cloth from the grate of the unoccupied room were inspected with care but no spots of blood were discovered; the siftings of the ashes from the cellar, comprising parts of pamphlets, letters bits of paper, fragments of carpet, rags, &c., were examined, but furnished nothing requiring further investigation; spots were found on the outside of the door of the room where the body of the deceased was discovered, one near the knob, and another on the strip between the panels; also a dense streak on the outside of the casing of said door, on the left hand going out, commencing nearly two feet above the floor; also spots on the first and second panels of the painted wall on descending the short flight of stairs; another spot on the second panel from the window below the platform; also a smear on the same, and on the third panel a streak about four feet above the steps; again, a stain on the inside edge of the inner hall door, another on the outer margin of the front door, and a corresponding spot on the molding opposite to the edge of the door; another spot on the wall near the base of the first "style" behind the back parlor door; a large spot on the oil-cloth, about two feet from the end of the bannisters of the basement stairs; on the left side, descending said stairs, about two feet above the fifth step from the last, a streak as though wiped upward; and lastly, a streak two inches long on the frame of the door of said stairs, near the hinges, about three feet from the bottom. These were each examined chemically, and found to be blood stains; each were also repeatedly inspected with the microscope, and discovered to contain blood-disks without epithelial scales.

CONCLUSIONS.

From the chemical analysis and from the microscopical examinations, we infer that the stains on the dagger were of iron rust.

The blood-stains on the towel, night-gown, marked shirt, blue and white dress, sheet; also on the matting of the attic closet where these articles were found, on the door-knobs of the unoccupied room in the attic, and on the stair-rods leading from the second story to the attic, all contain nucleated, epithelial scales, many of them in abundance, from which we infer that all the above specimens were menstrual blood.

The marks on the blue silk dress, and in the small book from the parlor, were not blood.

The blood-stains upon the newspapers found around the books in Eckel's secretary, and on the butcher-knife from Stanton street, by repeated comparisons with those on the clothing of deceased, render it probable that they were not stains of his blood.

The stains on the door of the room where the deceased was found, on the wall leading down stairs, on the front door, also on the wall near the back parlor door, on the oilcloth at the head of the basement stairs, and on the door at the foot of the same, were probably pure blood.

The Commission obtained, with the concurrence of the Coroner, the valuable assistance of Professor Forcyce Barker, M. D., in making the distinction between menstrual fluid and pure blood, to whom they wish to express their indebtedness.

Accurate copies of the microscopical appearances of the different objects examined were drawn by Mr. A. Berghaus, artist, and by members of the Commission.

The undersigned desire to acknowledge their obligations to Mr. Adam Zeuker for his assistance in the chemical analysis, and to Mr. Charles Phelps, Student of Medicine, for his obligingly rendered services.

R. OGDEN DOREMUS, M. D., Professor of Chemistry in New-York Medical College.
JOHN W. S. GOULEY, M. D., Lecturer on Microscopic Anatomy.
TIMOTHY CHILDS, M. D., Professor of Anatomy, New-York Medical College.
WM. H. VAN BUREN, M. D., Professor of Anatomy, University, New-York.

### TESTIMONY OF JAMES R. WOOD.

Judge Capron—Doctor, where do you live? A. No. 2 Irving place.

Q. Are you a physician and surgeon? A. I am, Sir.

Q. Did you make an examination of the body, either alone or in connection with others, of Dr. Burdell? A. I did, Sir, in connection with others.

Q. Where was that examination made? A. In the room above.

Q. Where the death occurred? A. No, Sir; the death occurred in the back room, and the examination was in the front room.

Q. Did you see the body before it had been moved? A. I did not, Sir, until some two or three days after the death.

Judge Capron—I will not go over all the particulars respecting the number of wounds; they are all proved by one witness, and I will confine myself to those points which are essential for the purposes of truth in this case, as far as we can arrive at it.

Q. How many of those wounds, in your judgment, were fatal wounds? A. How do you wish me to understand the question?

Q. How many would have produced death instantly? A. The wound on the left side of the neck severing the external carotid artery, completely and partially dividing the internal carotid and the great jugular vein, would probably have caused death within from two to three minutes after reception of the wound.

Q. If that had been the only one? A. If that had been the only one; but there were two wounds of the heart, one extending into one of the cavities namely, the right ventricle, the other in the apex of the heart. The first of these wounds would perhaps have produced death instantly. The fact of the pericardium, although I had seen no testimony showing it probable, being filled with blood, leaves no doubt, and that the mechanical interruption of the operations of the heart was instantaneous. I have seen cases of the kind, examined them minutely, and that is the history of these cases.

Q. There were two wounds in the heart? A. One that would have proved fatal; one didn't extend into the cavity of the heart; then there were others, one extending through the walls of the stomach, through the abdomen; I saw the stomach afterward, but it would have required some time before death would occur; then there was one which extended into the lungs; it cut off the cartilage of the first rib and extended into the cavity of the lungs; that was not necessarily a fatal wound; it would depend upon the subsequent inflammation; then there were other wounds which would have necessarily proved fatal.

Judge Capron—You have already answered one question which I deem essential, and that is in reference to the wound in his shoulder.

Dr. Wood—The penetrating wound of the chest.

Judge Capron—What is your judgment in reference to the order in which the wounds were received by the deceased—the order of time—which was the first, in your judgment? A. I carefully examined the position of the furniture in the room; I also traced the blood carefully, and after examining the wound I offered this theory to the medical gentlemen who were there concerned in the commission; there was a chair sitting in front of the Doctor's writing-desk and the leaf of the desk was down; I think there was a very considerable quantity of blood; the chair that set in front of it was also stained very considerably with blood; while examining the wound I desired a gentleman to be seated in the room, and with the dagger which has been referred to and examined, it was placed directly over the wound in the right shoulder, so that if the assassin held this dagger in his right hand, he would have plainly plunged it thus over the right shoulder [Dr. Wood illustrated his hypothesis on one of the members of the Jury]; now that would run obliquely downward and forward into the chest, so that it was made from behind; it was not fatal, but it would of course produce a very considerable shock about the back; my theory is that at this time the Doctor made resistance, and we traced blood from that chair to the door; in the opposite corner there was blood found on the center table; after arriving at the door it is evident that a great deal of exertion was made on the part of the Doctor, because, on examination of his boots, blood was found to be literally ground into them; after that we dissected the carotid artery, and found that it was proved that the blood spirted out per saltum, as we call it, upon the door; my judgment is that the heart wound followed that in the throat; if the heart had been deprived of its mechanical functions it could not have thrown that blood on the wall; there were two wounds in the heart; the second was not necessarily fatal, but the others around were random wounds, given without thought or object only to kill the man.

Judge Capron—One question more; you speak of considerable time I would thank you to be kind enough to define the time that you think would be occupied before the Doctor was prostrated? A. I think the Doctor, before he received the wound in the carotid artery was pretty well able to take care of himself; he might have received the abdominal wounds first; it might have been done in——well three minutes would be a long time under those circumstances.

Judge Capron—Three minutes would be a long time.

Dr Wood—I think either of us would think so if we were placed under those circumstances.

Judge Capron—It was necessary in the evidence to get an idea of the time.

Dr. Wood—I might speak of the cartilage of the first rib being severed; the cartilage of the fourth rib was also transfixed.

Q. The rib itself? Dr. Wood—The cartilage of the fourth rib was transfixed by the wound that penetrated the right ventricle.

Q. From the appearance of those wounds and your theory of the order in which they were received, what would be your conclusion as to the amount of blood that would be outwardly apparent—that would be discharged outwardly—would it be principally outward or inward? A. The wounds in the cavity of the chest wouldn't probably have made much show of blood externally; it principally came from the jugulars; there would have been some from other flesh wounds, but not a great deal.

Q. Would the flow of blood from the neck have been entirely or principally checked, had the stab in the heart taken place first? A. There would have been very little flow after the heart ceased to beat.

Q. I would like to ask Dr. Knight whether the pericardium was filled with blood or not?

Dr Knight—It was, Sir.

Coroner—In your opinion had Dr. Burdell sufficient time to cry or halloo, or to be heard in some form? A. Yes Sir, he had.

Judge Capron—What evidence did you discover about the throat or neck of his having been strangled or a ligature having been put about him? A. It was, I think, the second or third day after the Doctor's death that I first saw him, and then, in connection with the gentlemen whose names were attached to the paper that Dr. Woodward presented, we found that by carefully placing the neck in a particular light we could see a line on the skin, and from the congestive condition of the features, from the protruded tongue and the swollen face, it was thought by some of the gentlemen that the Doctor had been choked; some of us thought that the ecchymosis had produced it. I understand that before there were evident marks on the throat; when I saw them they were slight, but still enough to induce me to believe that there had been violence committed about the throat.

Q. What do you say in reference to the amount of violence to the throat—in reference to the strangulation—was there enough to have prevented him from making an outcry or scuffle? A. I think that if violence had been of but short duration, there would be but little trace of that violence; I could take a man by the throat, and without much exertion prevent him from crying; a very little mark of it would remain.

Judge Capron—The evidence is that that violence continued but a very short time? A. I think so.

Q. From the evidence, what was it caused by? A. I can't tell; it might have been by the hand; if I remember correctly, Dr Francis and others swore positively to the mark on the throat in their testimony.

Judge Capron—I hadn't seen those.

Q. Can you answer this question, Doctor, whether that strangulation was applied to the throat before he received the stab sitting in his chair or after? A. It would be impossible for me to answer that question, Sir—impossible, it might have been before or after; my theory was that the first intimation that he had was the wound on the right shoulder.

Q. Your answer would indicate that you couldn't tell when the strangulation was effected? A. Yes, Sir.

Q. If the strangulation had occurred at the chair, could he have got to the door? A. I think so; the assassin may have had him by the throat for a considerable length of time, and when I say a considerable length of time, I wish to be understood that I am speaking of seconds and minutes; these points it would be impossible for any surgeon to answer intelligently—the layman is as capable of judging as a professional man, except the character of the violence he would be better able to recognize.

Judge Capron—That is why I wish to examine you thoroughly, because you are scientifically acquainted with the effect of the wounds. Doctor, did it occur to you to form an opinion from the circumstances of that transaction, taking into account the fact that he had been more or less strangled, whether one person could have done it all? A. My judgment is that one person could have inflicted the wounds I saw on the body of the Doctor.

Q. Did you see the shirt, the linen, that was taken from his body? A. I did, Sir.

Q. Did you examine the apertures? A. I did, Sir.

Q. What is your view of the question whether one or two instruments were used at the assassination, from the shape of the apertures in the linen? A. The wounds in the linen, in the clothes, were not of the same length or size as those in the body; some of the wounds were simply incised wounds—direct wounds; there were others that were somewhat angular, but the wounds in the body were all of the same character; I would remark that dead matter and living tissues present great difference in wounds; now the wounds in the body were many of them much larger than the wounds in the clothes, so that it is difficult for a surgeon to answer positively the question which you proposed; but I think that the same knife might have inflicted all the wounds which I saw; the folding of the cloth, the saturation of the blood afterward, and the struggle, would have so displaced clothing as to account for the difference; now there are few wounds, openings, in the cloth, which indicate that one side of the instrument was raised; there is no wound on that mans body that will correspond with the triangular shape of the wounds in the garments.

Q. Is there in medical jurisprudence any distinction between sinking and falling when persons who are assassinated are brought down? A. A man may sink from exhaustion after having made great muscular exertion, he may sink down and die; another will be stricken down at once.

Q. Is there that difference in the wounds which a human body may receive, whether wounds the effect of which will cause an upright body to, as it were, faint and sink without falling, and others, the effect of which will be to have it fall like a log? Now will you have the kindness to explain to the Jury the difference between these two descriptions of wounds? A. In the first place, Sir, it depends upon the region of the body where the wound is; it also depends very much upon the susceptibility of the person injured, and I will illustrate what I mean by that, by stating that the nervous shock of the system is so great that one man will fall at once while another person would resist it, who has, in common language, more nerve than the other; then again, the violence of the force of the blow would fell a man to the ground at once that wasn't prepared for it; so that these points should be taken into consideration in answering the question; then, again, a man will receive a nervous shock and his courage, his strength, will prevent his falling and he will resist it until he perhaps faints from the injury received from the blow and from the pain produced by it; it depends very much upon the susceptibility of the nerves and upon the courage of the man.

Q. In reference to these, what would be the effect of a sudden blow penetrating the heart? A. He would fall at once.

Q. What would be the effect in reference to that distinction upon of the blow the neck, as the Doctor was cut? A. He wouldn't necessarily fall.

Q. Would rather sink? A. Yes, Sir; some would fall at once, at the slightest blow; it depends upon the courage and determination of the person.

Judge Capron—Doctor, is there any other point which your judgment suggests to you it would be useful to give? A. I am not aware that there is with the exception that a full report of the post mortem examination should appear on record. As to the quantity of the blood in the heart, the quantity in the thorax the character of the wound in the stomach, we were not, of course, able to investigate, as these organs had been removed and the blood withdrawn; there are competent witnesses who will give that testimony and make the report as it should be in connection with it.

Judge Capron—From the character of those wounds can you determine, with anything like probable certainty, whether they were inflicted by a right handed or left handed man? A. I can't answer that question.

Q. By your theory? A. My opinion is that he used the right hand; if the wound on the right shoulder was made as I have suggested, the right hand was probably used.

Q. What is your opinion in reference to the wound in the neck? A. Well, Sir, I think it was the right hand.

Q. How did they stand when that wound was given? A. My opinion is that the assassin faced the Doctor when the neck wound was given; he might have held his throat by the left hand and struck the blow with the right; then the Doctor turned to the left and the blood spurted.

Q. Can you determine whether this wound in the neck was perpetrated by a man taller or below the stature of the Doctor? A. An ordinary sized man inflicted the wound.

Q. Where, in your judgment, did the Doctor stand when he received the wound in the carotid artery? A. At the door, Sir.

Q. You didn't exactly appreciate my question; I am endeavoring to arrive at your judgment upon the question whether he had his hand on the knob of the door and was stooping to open it, or whether he stood there erect before he had placed his hand on the knob? A. I think his position was turned a little to the right of the door; there must have been space sufficient between the Doctor and the door for the man to have struck the blow.

### TESTIMONY OF DR. VAN BUREN.

Wm. H. Van Buren, M. D., sworn—Q. What is your profession? A. Physician and surgeon.

Q. Have you heard the evidence give by the last witness, Dr. Wood, on this investigation? Yes, Sir, the greater portion of it.

Q. What is your view of his theory respecting the death of Dr. Burdell, the character of the wounds which he received, and their effect? A. I think it is exceedingly rational, and, as far as my judgment goes, it is perfectly correct.

### TESTIMONY OF DR. CHILDS

T. Childs, M. D., sworn—Q. What is your profession or calling? A. I am a physician.

Q. Did you hear the testimony given by Dr. Wood? A. I did, Sir, in full.

Q. How does your opinion agree or disagree on the subject of which he spoke? A. I made myself a cursory examination of the body, and am prepared to accept Dr. Wood's theory as the most reasonable that could be presented.

### TESTIMONY OF DR. DAVID UHL.

Dr. David Uhl sworn—Q. What is your profession? A. I am a physician.

Q. Are you acquainted with surgery? A. I am somewhat acquainted with it, but that branch of the profession is not my specialty.

Q. Did you hear the testimony of Dr. Wood yesterday, his theory of the manner in which the Doctor came to his death, and the character of the wounds which he received, and what is your opinion of the correctness of that theory, and the description of those wounds and their relative effect upon the Doctor's life? A. I agree with with Dr. Wood in most particulars, and think he has given a very intelligent description of them, and also of their effects.

ANOTHER MYSTERIOUS TRUNK.

The Coroner here requested the medical gentlemen to walk up stairs and examine the contents of a box found in Jane street, which he had caused to be removed to the house, on information that something of importance was likely to be developed by its examination. He did not know what the contents were, but the examination would show if they had any bearing on this case. Drs. Van Buren, Gouley, Prof. Doremus, Dr. Childs and other gentlemen, then went up stairs. Subsequently they returned and stated that the box contained old rags and other things having no connection with the case.

### TESTIMONY OF DR. GARISH.

Dr. J. P. Garish, sworn—I examined the body on the Tuesday succeeding the murder, and I found five wounds in the left breast, one of these wounds penetrated just below the nipple—that had penetrated the ventricle of the heart; then I found other wounds a little anterior to that, and one near the axilla; I consider all these wounds together, must have been given by a person who stood to the right of the person; and I will also state that the dagger which was examined there would inflict similar wounds to those which I saw, because they were measured by myself, and they corresponded to the width of the instrument; I measured the width of the wounds through the integument, and they corresponded to the width of the instrument—the dagger.

### TESTIMONY OF DR. D. FORDYCE BARKER.

Q. What is your profession. A. I am a physician, Sir.

Q. Have you made a microscopic examination of the garments that were taken from the body of Dr. Burdell. A. I have been engaged with other gentlemen who made the report upon those facts.

Q. The results of the examination are contained in the report? A. Yes, Sir.

Q. Will you explain to the jury the means and processes by which you arrived at these results? A. In a case where a murder has been committed in a house, and blood-stains are found in the house where the murder was committed, and where there are clothes stained with blood, it is important to ascertain whether all of these stains are produced from the wounds of the murdered man. An examination was made in this case to ascertain that point, and the facts have been stated in the report. It was ascertained very clearly that the stains found on certain articles of clothing, dresses, matting, were not from the wounds of the deceased. This was ascertained by chemical analysis, and microscopical examination.

Q. How is the microscopical examination performed, and how does it aid chemical analysis in arriving at a result? A. By microscopical examination it can be determined whether the stains are of pure blood or whether the blood is from another source—whether substances which are termed nucleated epithelial scales—such are not found in the blood from wounds.

Q. That is the universal rule? A. Yes, Sir; the size of the globules also may be of some importance, if a sufficient quantity of the blood of the deceased can be obtained; a comparison can then be made to ascertain whether the other blood is similar.

Q. Can this be ascertained or not from the blood when it has become dry upon the clothing or cloth? A. Yes, Sir, it can.

Q. What is the appearance in such case of the natural blood with other substances in it—foreign substances to the natural blood? A. There are certain characteristic appearances of pure blood—blood-disks; it is well known in science what these are, and anything different from these would be recognized as not belonging to the blood—as, for instance, a fiber of cotton or linen; all of the characteristic appearances of pure blood are known; blood-stains are always suspicious under such circumstances, and therefore it becomes important to distinguish those which come from one source and those which may come from a variety of others—that is, those which come from wounds which are caused by the murder and those which come from other sources.

Judge Capron—From natural sources, if you please to call it so? A. Yes, Sir, from natural sources.

Q. Could you determine that distinction by microscopical examination alone without the aid of chemistry? A. Yes, Sir; it would require us to determine, in the first place, whether it was blood; then it could be determined by the microscope whether the blood was from the arteries or from natural sources.

Q. You then determine first by chemical analysis whether it is blood, and then determine by the microscopical instruments the source of that blood? A. Yes, Sir.

Q. Could you, or could you not, determine that question by chemical analysis, as definitely and certainly as by the use of the other? A. Not as definitely and not so positively; indeed, it might be impossible under certain conditions.

Q. Were any portions of blood to which you applied that test in a liquid state, or were they all dry? A. They were all dry except some we used as comparative tests, which are referred to in the report.

Q. What do you say of the use of this microscopical test with liquid blood as compared with that in the dry state? A. It would be equally applicable, and would be as easily made.

Q. Did you make this examination with the microscope in blood on any other color than white? A. Yes, Sir in blood on the floor and wall.

Q. Suppose it were on black silk? A. It would make no difference; the mixture of any foreign substance could be easily determined.

Coroner—I have to announce to you, gentlemen, that there are four or five letters to come in from witnesses, which the Coroner and the Jury think are of some importance, and they may not come in before to-morrow evening, and we wish to keep the inquest open until they come in. It would, therefore, be better to adjourn this meeting to Saturday morning at 11 o'clock.

## *THE WITCHES OF NEW-YORK*...No. VIII.

### MADAME MORROW,

No. 76 Broome street, near Columbia.

Madame Morrow, the Astonisher, the seventh daughter of a seventh daughter, comes of a prolific family in the north of England. Her advertisement, which is a model of classic English, is a fixture in *The Herald*, and reads as follows:

"ASTONISHING TO ALL.—Madame MORROW claims to be the most wonderful astrologist in the world, or that has ever been known, as I am the seventh daughter of the seventh daughter who was also a great astrologist. I have a natural gift to tell past, present and future events of life. I have astonished thousands during my travels in Europe. I will tell how many times you are to be married, how soon, and will show you the likeness of your future husband, and will cause you to be speedily married, and you will enjoy the greatest happiness of matrimonial bliss and good luck through your whole life. I will also show the likeness of absent friends and relations, and I will tell so true all the concerns of life that you cannot help being astonished. No charge if not satisfied. Gentlemen not admitted. No. 76 Broome-st., near Columbia."

Our reporter, in the regular course of his business, has become so accustomed to marvels, wonders and miracles, that the upheaval of a volcano in the Park wouldn't discompose him unless it singed his whiskers, and he determined to visit Madame Morrow and try to realize again the old sensation of astonishment. He thought that the "likeness of his future husband" would accomplish that object if anything could, and the only obstacle to the gratification of this laudable matrimonial curiosity was found in the forbidding sentence: "Gentlemen not admitted." Heroic is our reporter, and, withal, ingenious. He would visit this Madame Morrow, not by proxy, but in his own proper person; if not as a man, then as a woman; yes, he would petticoat himself up to the required dimensions, if it took a week to tie on the machinery. Off with the pantaloons; on with the skirts; down with the broadcloth; hurrah for the cotton, and hey for victory and a look at his future husband! The requisite paraphernalia were bargained for and sent home to our ambitious representative, who, at the sight thereof, was "astonished" in advance, and stricken aghast by the complicated mysteries of laces, ribbons, strings, bones, buttons, pins, capes, collars and other inexplicable articles that met his gaze. The question instantly occurred, "Could he get into these things?" Not a bit of it; he would sooner undertake to report in short-hand the speech of a thunder-cloud, and with much better prospects of success. He felt his own insignificance, and as he looked out at the window, he regarded a passing female with awe. He felt that he was fast becoming imbecile, not to say idiotic, when he bethought him of his friends. Two discreet married men, who knew the ropes, were called to the rescue, and begun the work; they piled on layer after layer of the material, and in the course of four or five hours had built him into a pyramid of the proper size, when they gave him their solemn assurance that he was "all right." He has since discovered that they had tied his undersleeves round his ankles, and that the things he wore on his arms must have belonged somewhere else. However, the disguise was complete; he looked in the glass and thought he was his own landlady; his best friends wouldn't have known him, and the teller of the bank would have pronounced him a forgery and refused to certify him; he felt like a full rigged clipper ship, and got under sail as soon as possible and bore down upon Madame Morrow's residence. He nearly capsized as he got out of the stage, but he righted after a heavy lurch to the north-east, and kept his course without further serious disaster. He made a speedy run to Broome street, the voyage being accomplished in less than the expected time, although a heavy sea in the shape of a boy with a wheelbarrow, struck him amidships, on the corner of Sheriff street, doing some damage to his lower works and carrying away a yard or so of lace from his main skirt. He finally came up to the house in splendid style, and cast anchor on the opposite sidewalk to take an observation.

Madame Morrow lives, as he now discovered, in a low three-story brick house, which cannot be called dirty, simply because that mild word expresses an approximation toward cleanliness which no house in this locality has known for years. We can give our city readers an idea of its condition by stating that it is in the worst part of "The Hook;" to readers in the country who have luckily never seen anything filthier than a barn yard, no information can be given which would meet the case. Sunshine is the only protection for a well-dressed man against the population of this part of the town. In the twilight or darkness he would be robbed, if not garroted and murdered. The boldest and most desperate burglars and others of that stamp, have their homes about here—fathers who teach their children the thief's profession, and mothers who carry pickpockets at the breast. In the midst of this nest of crime the fortune-teller has her home and thrives. Our reporter, protected by his false colors, approached the house, and was admitted by an Irish girl, whose incrusted face showed that the same deposit of dirt had probably held possession undisturbed for weeks. They had just entered the hall door when two small children, who were contending for their vested rights with a big yellow dog that had interfered with their dinner, commenced an unearthly squalling, which, for the instant, made our millinery delegate fairly believe that Tophet was out for noon. The woman, with great presence of mind, immediately attempted to quiet the storm by administering to each inverted brat a sound correction, in the manner usually adopted by mothers. Particulars are omitted. Then she resumed her attentions to the stranger, and convoyed him into port in the parlor. Securely harbored in this safe retreat our reporter took another observation. The room was small, and what few things were in it looked shabby, and dirty of course. The principal article of furniture was a huge basketfull of soiled linen, which had probably been "taken in" to wash, and from a respectable family, for every single article looked ashamed to be caught in such company, and tried to burrow down out of sight. Disconsolate shirts elbowed humiliated socks, which in turn kicked against mortified flannels, or hid themselves beneath disconcerted sheets; abashed shirt-collars and humbled dickies tried to shrink out of sight in very shame beneath a dishonored table cloth, the wine-stains on which showed it to belong in better society. A dejected and cast-down woman was assorting the despairing contents of the basket with a look of desolation. The Irish girl, who had disappeared, now returned, and with an air of mystery slipped into the hand of our reporter a red card, on which was inscribed:

> No Person allowed to remain in the Establishment without a ticket. *Please present this on entering Madame Morrow's room. Fee in full, $1.*

For an hour and a half after the receipt of this card and the payment of $1 therefor, did our enlarged reporter quietly wait in the room with the big basket, being entertained meanwhile by the two women who conversed with each other upon the relative merits of engines No. 18 and 27, and with a long discussion as to the comparative personal beauty of "Tom" and "Dick," who, it seemed, belonged respectively to those two mechanical constituents of our Fire Department. At the end of that time the Irish girl, who had succeeded in establishing "Dick's" claim to her satisfaction, arose and invited our impatient reporter to the room of Madame Morrow. He passed up a narrow flight of stairs, the condition of which as to dirt, was concealed by no friendly carpet; then he sailed into a front parlor which was furnished elegantly, and perhaps gorgeously, with carpets, mirrors, sofas, and all the usual requirements of a lady's apartment. Madame herself appeared at the door. She is a tall sallow-looking woman with a complexion the color of old parchment; with light brown eyes and light hair; being attired in a handsome delaine dress of half-mourning and decorated with a costly cameo pin and ear-drops, she looked not unlike a servant out for a holiday, making a sensation in her mistress's finery.

She led our lovely reporter into a little closet-like room, in which was a bureau, two chairs, a table and a small stand, covered with a number of her business handbills and a pack of cards. She asked first: "What month was you born?" On receiving the answer, the Astonisher took a book from the bureau and read as follows: "A person born in this month is of an amiable and frank disposition, benevolent, and an amiable and desirable partner in the marriage relation. Your lucky days are Tuesdays and Thursdays, on which days you may enter on any undertaking, or attempt any enterprise with a good prospect of success." Then she took up the cards again and after the usual shuffling and cutting the Astonisher fired away as follows: "You face luck, you face prosperity, you face true love and disinterested affection, you face a speedy marriage, you face a letter which will come in three days and will contain pleasant news—you face a ring, you face a present of jewelry done up in a small package; the latter will come within two hours, two days, two weeks or two months—you face an agreeable surprise, you face the death of a friend, you face the seven of clubs which is the luckiest card in the pack—you face two gentlemen with a view to matrimony, one of whom has brown hair and brown eyes, and the other has lighter hair and blue eyes—they are both thinking of you at the present time, but the nearest one you face is the one with light eyes—your marriage runs within six or nine months." There was very much more to the same effect, but as our reporter was pining all this time for a look at his future husband, he did not pay the strictest attention to it. Finally, when she had finished talking she said, "Step this way and see your future husband."

This was the eventful moment.

Our reporter went to the table, and there beheld a pine box, about the size of an ordinary candle-box, though shallower; it was unpainted, and decidedly unornamental as an article of furniture. In one end of it was an aperture about the size of the eyehole of a telescope; this was carefully covered with a small black curtain. This mystic contrivance was placed upon a table so low that our reporter was compelled to go on his knees to get his eye down low enough to see through. He accomplished this feat without grumbling, although his knees were scarified by the whalebones which surrounded him. The Astonisher then drew aside the little curtain with a grand flourish, and our delegate beheld an indistinct figure of a bloated face with a mustache, with black eyes and black hair; it was a hang-dog, thief-like face, and one that our well-posted reporter would not have passed in the street without involuntarily putting his hands on his pockets, to assure himself that all was right. But he felt that he had no hope of a future husband if he did not accept this one, and he made up his mind to be reconciled to the match.

This contrivance for showing the "future husband" is sometimes called the Magic Mirror and may be procured at any optician's for a dollar and a quarter. The "future husband" may of course be varied to suit circumstances, by merely shifting the pictures at one end of the instrument; or a horse or dog might be substituted with equal propriety and probability.

Madame Morrow receives many visitors, all, of course, females; sometimes as many as twenty presenting themselves in a single day. The average is perhaps fifteen, which is, however, a low estimate.

## *VETO OF THE SUPPLY BILL.*

Governor King on Wednesday sent the Supply bill, lately adopted by the Legislature, back to the Assembly, with the following message:

*To the Honorable* D. C. LITTLEJOHN,
*Speaker of the Assembly:*

I return with objections to the Assembly, the bill entitled "An Act to provide for certain expenses of Government prior to the year one thousand eight hundred and fifty seven"

I have attentively examined the provisions of this bill, which failed to be acted upon last year, by reason of the adjournment of the Legislature; and after carefully weighing the responsibility, and the duty imposed upon me by the Constitution I have come to the conclusion that this bill ought not to become a law, and for the following reasons:—It will be perceived, in looking at the numerous sections of the bill, that it contains large appropriations of money for the pay and expenses of committees, composed of members of the Legislature, who held their sitting during the recess of the two Houses. I object to the payments and allowances to the members of these committees, because they cannot be reconciled with the Constitution, which regulates and defines the amount of pay and expenses to which a member of the Legislature is entitled, or with the provisions of the Law of 14th July, 1853. I assume that the members acting upon the several committees have been previously paid the three hundred dollars each to which they were entitled under section 6 of article 3, for their services during the Session of the Legislature. That section provides as follows: "The Members of the Legislature shall receive for their services a sum not exceeding $3 a day from the commencement of the Session; but such pay shall not exceed in the aggregate $300 for per diem allowance, except in proceedings for impeachment. When convened in Extra Session by the Governor, they shall receive $3 per day. They shall also receive the sum of $1 for every ten miles they shall travel in going to and returning from their place of meeting on the most direct route." The plain object of this section was to limit the sum which any Member of the Legislature, *as such*, should receive for his services and expenses, during the existence of any one Legislature, to the sum of $300, with the addition of $1 for every ten miles travel. The only cases in which this aggregate can be exceeded are those specified in the section. These specifications give additional force to the prior words of positive limitation. If, therefore, the sums are claimed by the parties, as *Members* of the *Legislature*, there would seem to be no way of reconciling the claim with the Constitution. If the Legislature had continued *in session* during all the time while these Committees were engaged in their inquiries, the Members *serving on the floor* of the two Houses could not have obtained any compensation, and it is not perceived what additional or better claim those Members could have who should chance to be engaged on Committees away from the Capitol. The question then arises, whether compensation can be received by these parties in any other character than that of Members of the Legislature. That the Legislature, or either branch of it, has power to institute inquiries into all wrongs which are remediable by legislative enactment, and to pursue such inquiries by the examination of witnesses and otherwise, through the agency of Committees of its own body, in the same manner as is practiced by Grand Juries, cannot be doubted. The necessity of such power is obvious, and it has accordingly been exercised by all regularly-organized legislative bodies. This power, however, extends only to such matters as are "necessary to enable the Legislature to perform its principal or administrative and legislative functions," and the Committees conducting such inquiries, whether during the session, or during the recess, *act as Members of the Legislature*. They are certainly *civil officers*, and, *as such*, have power to administer oaths, and when authorized, to send for persons and papers, may issue compulsory process for the attendance of witnesses, and commissions for the examination of witnesses abroad. All these powers are exercised by such committees by *virtue of their office as Members of the Legislature*, and not in any other capacity. It is undoubtedly in the power of the Legislature to appoint officers or organize bodies other than its committees, to investigate supposed abuses, or to collect information required as the basis of administrative or legislative action, but this I apprehend can only be done by statute, passed in the usual form and approved by the Governor. And no Member of the Legislature would be eligible to such post. The statutes now authorize either branch of the Legislature to empower its committees to appoint Commissioners to take testimony during the recess of the Legislature. The fact that these Commissioners are required to take oath of office prescribed by the Constitution, would indicate that if the committees in discharging the same duty, act in any other capacity than that of Members of the Legislature, a new oath of office would be necessary on their part. In my judgment, the provisions of the Constitution and Statute, before referred to, show beyond question that such committees act in their capacity of *Members of the Legislature*, and not otherwise.

It may be insisted that at least the *expenses* of such Committees may be paid. I do not however, see how such allowances can be made without establishing a principle which would entitle all the Members of the Legislature to be paid their expenses in attending its sessions, in addition to the allowance of ten cents a mile for travel. The Constitution furnishes no greater warrant for the allowance in the one case than in the other, and none for either. However unfortunate it