

Affidavit of A.J. Baxter  
one of the doctors that examined  
defendant. Concluded that defendant  
knew right from wrong, this  
should be punished.

The People }  
vs }  
Prendergast }

In the Criminal Court of Cook County.

State of Illinois )  
County of Cook. ) ss.

A. J. Baxter, being first duly sworn, deposes and says that he is a physician and surgeon, practicing and licensed to practice under the laws of the State of Illinois; that he is the same physician who testified on behalf of the People as to the mental condition of said defendant Prendergast in the above entitled cause. This affiant further states that he was empowered and authorized by Jacob J. Kern, the States Attorney for Cook County, Illinois, to secure medical experts to testify in the case of the People vs Prendergast in regard to said Prendergast's mental condition. This affiant further states that among said physicians he conversed with Daniel R. Brower, the physician who testified on behalf of the defendant in this case, concerning the mental condition of said Prendergast. That said Daniel R. Brower met with him in consultation, in company with other physicians, at this affiant's office on several occasions, and the last time he met there previous

to the day of trial, the said Brower stated to this affiant that he considered the said Prendergast as medically insane, but regarded him as a crank, and that he knew the difference between right and wrong and ought to be punished. *and sent to the penitentiary for life, and should not be hung* This affiant further states that he never notified the said Brower that his services would be dispensed with on behalf of the people, but he was informed and believes that through the medium of said Brower the defense were made cognizant of whatever took place at the meetings which were held in this affiant's office in regard to the mental condition of said Prendergast. This affiant further states that he never authorized said Brower to employ the said Talbot, nor did the said Brower have anything whatever to do with getting or employing experts to testify on behalf of the people, as that matter was entirely delegated by the states attorney to this affiant. This affiant further states that at a meeting held at his office a few days before the defense rested their case, which meeting was attended by Drs. Dewey and Moyer, together with the other doctors on behalf of the people, the question was asked of Drs. Moyer and Dewey what their opinions were in regard to the mental condition of said Prendergast, and that Dr. Dewey said that he regarded Prendergast as a paranoiac, but that he knew the difference between right and wrong and that he had the power of doing or not doing the act, if he had felt so disposed, for which he was being tried. Dr. Moyer was asked his views upon the question, and he stated substantially that he concurred in what Dr. Dewey had said and did not

regard Prendergast as anything but a paranoiac. he knew the difference between right and wrong and as to the killing of Carter Harrison he could have restrained himself. This affiant further states that he never instructed either Dr. Moyer or Dr. Dewey that their services would not be needed in behalf of the people, but this affiant is informed and believes the fact to be that the state would have put Drs. Dewey and Moyer on the stand, had it not been for the defense subpoenaing them and putting Dewey on the stand and upon Moyer's refusal to testify without being paid by the defense this affiant is informed that said Moyer was excused from testifying by the counsel for the defense and prosecution and in presence of said court and in the absence of the jury. Further this affiant saith not.

Subscribed and sworn to before me

*A. J. Baxter M.D.*

this 10 day of February, A.D. 1894.

*James Todd*  
Notary Public.