

0774

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dale, John

DATE:

01/29/92



4254

Witnesses:

Albert Lehmann
Mrs. M. Adams
Geo. Richmond
Wm. J. Price

Counsel,

Filed *By* *John R. Dale* 1892
Pleads,

THE PEOPLE

vs.

T

John R. Dale

Grand Larceny, Degree, [Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John R. Dale
Foreman.

John R. Dale
July 1/92

John R. Dale
Leads J. J. Dale

Elmira
July 4/92 P.S.M. 4

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT,

DISTRICT.

of No. *611* Street, aged *35* years, occupation *Police Officer* being duly sworn, deposes and says that on the *29* day of *December* 189*1* at the City of New York, in the County of New York.

Thomas J. Armstrong is a material witness for the People against *John* charged with *Robbery*. Wherefore deponent prays the said *Armstrong* be ordered to find security to appear

Michael H. Carroll

Sworn to before me this *29* day of *December* 189*1*

[Signature]
Police Justice.

0777

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } ss.

Police Court - First District.

Thomas J. Armstrong
of No. *244 E - 119th* Street being duly sworn, deposes
and says, that on the *28* day of *December* 18 *91*
at the *Sixth* Ward of the City of New York, in the

County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, the following property viz:

Good and lawful
money of the United States

of the value of *Three (3)* Dollars,
the property of *deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by force and violence as aforesaid, by

John Ryan (now being for the
reasoning following to wit: at
the hour of 8 o'clock PM on
said date this deponent and three
deponents to the ground and
whilst he held deponent down
we take said money from the
pocket of the trousers then
worn by deponent.

J. J. Armstrong

Sworn to, before me, this *29* day

of *December* 18 *91*
J. B. ...
Police Justice.

0778

CORRECTION

0779

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dale, John

DATE:

01/29/92



4254

0780

Witnesses:

Albert Kachman
Mr. M. Adams
Geo. Richmond
Wm. Price

Counsel,

Filed by *[Signature]* 1892
Pleads,

THE PEOPLE

vs. *T*

John R. Dale

Grand Larceny, Degree. [Sections 628, 629, Penal Code.]

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

[Signature]
Foreman.

[Signature]
July 1/92
[Signature]
Leads L. J. Daley
Elmhurst, Cal.
July 4/92 R.S.M. 4

0781

CITY AND COUNTY }
OF NEW YORK, } ss.

POLICE COURT, _____ DISTRICT.

Frank S. Price

of No. *60* Street, aged *29* years,
occupation *Police officer* being duly sworn deposes and says,
that on the *25* day of *January* 188*9*
at the City of New York, in the County of New York, *he exhibited*

John Lane (now here) charged with
fornery on the complaint of
Albert Jackson Esq that Herman
Harris and William Adams are
necessary and material witnesses
against said defendant, and deponent
has good and sufficient reasons to
believe said Harris and Adams will
not appear at the Court of General Sessions
as witnesses and he asks they be committed
to the House of Detention as follows:

Frank S. Price

Sworn to before me, this _____

of _____

[Signature]
Police Justice.

0782

Police Court District Affidavit-Larceny.

City and County of New York

Albert Tachman

of No 36 Elm Street, aged 35 years,

occupation Merchant being duly sworn,

deposes and says, that on the 17th day of December 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Thirty warehouse receipts representing 225 Kegs of whiskey in bond & 250 Shares of stock in the Hall and furnace company of Chicago 10 Bonds of the Purification Company One deed of 3 lots of land in Oueda Being in all together of the value of

Forty thousand Dollars

the property of Deponent and Mrs H Meyer Capotres in business

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by John Dale Crowder

for the reasons following to wit, That on said day said property was in a vault in the safe in said premises which was forced by means of a key and deponent is informed by Charles Merrier a clerk in the employ of deponent that on said day said deponent came into said premises and carried him for some samples of wine, and that said Merrier left said deponent in said store where said property was in said safe and went to the basement to get the said samples and when he returned he saw said deponent run out of said store. Deponent is further informed

Presented before me this 18th day of Dec 1891 before Justice

by Joseph Rebecan a porter in defendant's employ that he saw said defendant run ^{out} of the said store and defendant then went to the safe where said property was and found the same unlocked and said property gone. Dependent is further informed by William J. Adams of 172 Bridge Street Brooklyn that he was formerly in the employ of defendant and that in the month of August 1891 while said Adams was so employed said defendant came to him and asked to give him and to make for him an impression of the safe key, and that in the month of September 1891 said Adams did make an impression of said safe key and a piece of chewing gum and gave the same to said defendant, and on the 17th day of December 1891, said defendant came to defendant, said Adams and told him he had opened the said safe and got a lot of papers, but that there was no money there, and that he was going to throw the said papers in the sewer, and said Adams told said defendant not to do so, as they might be valuable and he and defendant would get into trouble whereupon said defendant gave said Adams a package of papers and said Adams wrapped them up and addressed them to defendant. Dependent further says that he received a portion of said property by mail. and he charges said defendant with the larceny aforesaid.

Sworn to before me }
this 25th day of June 1892 }

Albert Richmond

Police Justice

0784

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.

Isaac Weiner

aged *40* years, occupation *Clerk* of No.

20 Elm Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Albert Goldman*

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this *25*
day of *January* 189 *25*

Isaac Weiner

Solomon B. Sussman
Police Justice.

0785

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 28 years, occupation Porter of No. 26 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Albert Jacobson and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 25 day of January, 1897 Joseph Kelman

Solomon R. Sussman
Police Justice.

0786

CITY AND COUNTY }
OF NEW YORK, } ss.

1872

William J. Adams
aged 18 years, occupation Man-grapher of No.

143 Bussie Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Albert Lachman

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 25 th day of Jan 1899 Wm J. Adams

John B. Lunt
Police Justice.

0787

Sec. 198-200.

14 District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *John R Dale*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Sweden*

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

Answer. *Stone Avenue & Bergant's Bldg*

Question. What is your business or profession?

Answer. *Printer*

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

Answer. *I am not guilty*
John R Dale

Subscribed and sworn to before me this 14th day of June 1888
John R Dale
Justice.

0788

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

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

Dated *July 25* 18 *92* *John B. Lewis* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF
HOUSE OF DETENTION CASE.

Abner Jackson
20 Elm
John L. Rice
1. _____
2. _____
3. _____
4. _____

103
Offence

BAILED.
No. 1, by _____
Residence _____ Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Dated *January 25* 1889
Smith Magistrate.
Shumer & Price Officer.
6 Precinct.

Witness *Isaac Werrin*
26 Elm Street.
No. *Joseph Rebruan*
26 Elm

Tom Harris and Wm N. Andrews
of the House of Detention in default of
\$500 surety
No. *Edwin B. Smith*
Police Court

\$ *1500* to answer

COU
RECEIVED
JAN 28 1892
DISTRICT ATTORNEY'S OFFICE

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John A. Dale

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

John A. Dale

of the CRIME OF GRAND LARCENY IN THE first DEGREE, committed as follows:

The said John A. Dale,

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, with force and arms,

Being with instruments of the kind known as warehouse receipts, (a more particular description thereof is to be found among aforesaid instruments) of the value of fifty dollars each, and also certificates being evidence of the ownership of two hundred and fifty shares of the stock of a corporation known as the Hall and Furness Company, or Chicago in the State of Illinois, (the number of said certificates and a more particular description thereof being to be found among aforesaid instruments) of the value of twenty five thousand dollars, ten bonds and wither obligations of another corporation known as the Pacific Company (a more particular description thereof is to be found among aforesaid instruments) of the denomination and value of one thousand dollars each, and wither instruments to wit: a certain deed of real property, bearing to wit of three certain lots of land situated in the City of Omaha in the State of Nebraska, (a more particular description of which said deed is to be found among aforesaid instruments) of the value of three thousand dollars, of the goods, chattels and personal property of one Albert Dadman,

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

John A. Dale

0791

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dean, John

DATE:

01/11/92



4254

Witnesses:
Michael Stogon
566 Greenwald

Andrew M. Stephens

H. Knight

Sylvan

Mr. Nathan

Lang Day - Clerk

877
Counsel,
Filed 11 day of May 1892
Pleads, *Amquith*

THE PEOPLE
vs.
John Dean
Robbery, *Second Degree*,
(Sections 224 and 229, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Chas. J. DeForest

Foreman.

Lang Day
Lang Day
Lang Day

Lang Day
Lang Day
Lang Day

0793

CITY AND COUNTY OF NEW YORK.

POLICE COURT, DISTRICT.

of No. *617* Street, aged *35* years, occupation *Police Officer* being duly sworn, deposes and says that on the *29* day of *December* 189*1* at the City of New York, in the County of New York.

James F. Armstrong is a material witness for the People against *John Black* charged with *Battery*. Wherefore deponent prays the said *Armstrong* be ordered to find security to appear.

Michael J. Carroll

Sworn to before me this *29* day of *December* 189*1*

[Signature]
Police Justice

0794

District Attorney's Office
City & County of
New York

Dear Sir

189

I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the above matter. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours truly,
 J. C. [Name]
 District Attorney

0795

District Attorney's Office,
CITY AND COUNTY OF NEW YORK.

6
July 31 1897

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see *Michael*
~~Officer~~ attached to your command in
Dec 1911 in relation to the case of
John L. ...
sentenced *James ...* to
years and 6 months imprisonment by
James Fitzgerald

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,
Deputy Assistant and Secretary to the District Attorney.

0796

Sec. 198-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

John Dean

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

New York

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

Answer.

17 Laugel Street

Question. What is your business or profession?

Answer.

Truck Driver

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

Answer.

*I am very Guilty -
Wm Hogan*

Taken before me this *17* day of *July* 189*7*
Justice

0797

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } ss.

Police Court - First District.

Thomas J. Armstrong
of No. *244 E - 119th* Street being duly sworn, deposes
and says, that on the *28* day of *December* 18*91*
at the *Sixth* Ward of the City of New York, in the
County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent, by force and violence, without his consent and against his will, the following property viz:

Good and lawful
money of the United States

of the value of *Three (3)* Dollars,
the property of *Kleponer*

and that this deponent has a probable cause to suspect, and does suspect, that the said property
was feloniously taken, stolen, and carried away by force and violence as aforesaid, by
John Ryan (man hired for the
removing following to boat at
the hour of 8 o'clock P.M. on
said date this defendant then
deponed to the ground and
whilst he held defendant down
we take said money from the
pocket of the trousers then
worn by defendant.

J. J. Armstrong

Sworn to, before me, this
17 day of *December* 18*91*
J. B. S.
Police Justice.

0798

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

Alfred ...
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *1000* ~~less~~ Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Dec 29* 18..... Police Justice.

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

Dated..... 18..... Police Justice.

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

Dated..... 18..... Police Justice.

0799

Police Court---

1599 District.

THE PEOPLE, &c
ON THE COMPLAINT OF

HOUSE OF DETENTION CASE

- 1
- 2
- 3
- 4

Officer

Dated

1891

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.



\$

to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Dean

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

John Dean of the CRIME OF ROBBERY in the second degree, committed as follows:

The said

John Dean

late of the City of New York, in the County of New York aforesaid, on the 28th day of December in the year of our Lord one thousand eight hundred and ninety-one, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Thomas F. Armstrong in the peace of the said People then and there being, feloniously did make an assault; and

the sum of three dollars in money, lawful money of the United States of America (a more particular description whereof is to the Grand Jury aforesaid unknown), of the value of three dollars

of the goods, chattels and personal property of the said Thomas F. Armstrong from the person of the said Thomas F. Armstrong against the will and by violence to the person of the said Thomas F. Armstrong then and there violently and feloniously did rob, steal, take and carry away,

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

De Lancey Nicoll District Attorney

0801

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dimond, Paul

DATE:

01/21/92



4254

0802

BOX:

463

FOLDER:

4254

DESCRIPTION:

Pearlman, Juluis

DATE:

01/21/92



4254

0803

BOX:

463

FOLDER:

4254

DESCRIPTION:

Goldstone, Jacob

DATE:

01/21/92



4254

W. L. Osborne
BY *[Signature]* 1892

Counsel,
Filed *[Signature]* 1892
day of *[Signature]*
Pleads, *[Signature]*

THE PEOPLE
vs.
Paul Dimond
Julius Pearlman
and Jacob Goldstone

Robbery, Sections 254 and 255, Penal Code.

DE LANCEY NICOLL,
District Attorney.

[Handwritten signature]

A TRUE BILL,
[Signature]

Sept 2 - 1892. Foreman.
Am. Trial and Acquitted
on motion of the District Atty
County indictment of 4 Nov. 2 + 3
dismissed.

Witnesses:
[Signature]
to bail in the sum of
fifteen hundred dollars
Cash - half bail amount
to Cash bail
I say so for and bail notice
to Paul Dimond - 14 & 1/2 cents

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

Morris Levy

being duly sworn, deposes and says that he resides at No. 35 Orchard Street in the City of New York; that his place of business is at No. 29 Ludlow Street in said city; that on the evening of January 11th, 1892, at about 6 o'clock he left his said place of business and had reached a point a few feet above his said place of business on his way home to his supper and while he was there peaceably conducting himself in the public highway, he was set upon and assaulted by a number of men among which number were Paul Dimond, who resides at 144 Hester Street, as deponent believes and is informed, and two others whose names he has since ascertained to be Julius Pearlman, who resides at 39 Essex Street, and Jacob Goldstone, who resides at 15 Ludlow Street, as deponent is informed and believes.

Deponent further says that the said Dimond, Pearlman Goldstone and others knocked him down, beat him and kicked him about his head and body, inflicting severe and painful injuries upon him, and that one of the said assailants, viz.: the above named Paul Dimond, while deponent was being beaten and kicked, put his hand in deponent's pocket and drew therefrom the sum of about twelve dollars which deponent had in his pocket; that while said Dimond was in the act of withdrawing his hand from deponent's pocket, deponent grabbed said Dimond's hand and thereby obtained a good and full view of said Dimond's face and features, and deponent positively declares

that the man whose hand was in deponent's pocket and which extracted deponent's money therefrom was the said Dimond.

Deponent further deposes that the said Dimond quickly wrenched himself loose from deponent's grasp and ~~disappeared~~ ^{ran away}.

Deponent further says that at the time of his struggle with the said Dimond, Pearlman, Goldstone and others no policeman was in sight to his knowledge; that subsequently and about ^{or fifteen} ten minutes thereafter a policeman appeared and upon being informed of the assault advised deponent to procure a warrant at the Essex Market Police Court on the following day.

Deponent further deposes that by reason of the kicks and blows and rough treatment which he received at the hands of the said Dimond, Pearlman, Goldstone and others he was compelled to call in the services of a physician who treated him for his injuries.

Deponent further deposes that on the said January 12th 1892, at about 9 or 10 o'clock in the evening he sent his daughter to the 11th precinct station house to request that an officer be sent to search for the men who had assaulted and robbed him; that thereupon Officer *Charles Bell* of said precinct was sent, which officer arrested the said Paul Dimond and brought him before deponent at his home No. 35 Orchard Street; that deponent thereupon positively identified said Dimond as the man who had put his hand in deponent's pocket and robbed him of the sum of about twelve dollars. Upon complaint of deponent the said Dimond was arrested and on the following day, viz.: January 12th, 1892, deponent appeared against the said Dimond before Justice Kilbreth at the Essex Market Police Court. Upon request of said Dimond's

counsel the examination of said Dimond was adjourned until 2 o'clock of said 12th day of January 1892, when an oral examination was had, which resulted in the dismissal of the said Dimond by the Police Magistrate.

Sworn to before me this 13th day of January in the year 1892.

Moses Levy

Max H. Hillert
Notary Public
Gov. N. Y. Co.

0808

City and County of New York
State of New York. ss.

Herman Levy, being duly sworn, deposes and says that he resides at No. 35 Orchard Street in the City of New York; that on the 11th day of January 1892 at about 8 o'clock, he was near the corner of Ludlow Street and Hester Streets in said city and witnessed the assault committed upon one *Morris Levy* in the public highway at said point.

Deponent further says that he saw the said *Morris Levy* beaten and kicked and roughly handled by a number of men, among whom were Paul Dimond and two others whose names he has since ascertained to be Julius Pearlman and Jacob Goldstone; that he can identify the said Dimond, Pearlman and Goldstone; that while the said assault was being committed he saw one of the said assailants, viz.: Paul Dimond, insert his hand in the pocket of said *Morris Levy* and take therefrom some money.

Deponent further says that he at about 9 or 10 o'clock p.m. of said January 11th 1892, accompanied Officer *Charles Nell* who was detailed to search for the assailants of said *Morris Levy* and in the saloon at the ^{west} southeast corner of Hester and ^{Orchard} Ludlow Streets he pointed out to said officer the said Paul Dimond as one of the assailants of the said *Morris Levy* and as the man who had taken the money from the said *Morris Levy's* pocket during the assault above referred to,

Sworn to before me this 13th day of January in the year 1892.

Max H. Miller } *Herman Levy*
Notary Public for N.Y. Co.

79

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE &
 vs
 THE COMPLAINT OF
 Morris Levy
 vs
 35 Orchard
 Paul Dimond
 144 Hester
 Julius Pearlman
 39 Essex
 Jacob Goldstone
 15 Sudlow

District Attorney
 Office
 Robbery

Dated Jan 19 1892

Witnesses, Herman Levy

No. 35 Orchard Street,

Officer Charles Bell

No. 11th Precinct Street,

No. Street,

GRAND JURY ROOM.

PEOPLE

vs.

Monday:

Please
Examine this
Case & it seems
to me that the
fact ought not
to have been discussed
if the fact are as
stated

J. L. M.

I have examined the
depositions admitted, and
am of opinion that the
matter should be laid
before the Grand Jury
as usual

Herman Cook,
ATTORNEY AND COUNSELLOR AT LAW,
21 PARK ROW,
OFF POST OFFICE.
ROOM 54.

NEW YORK, Jan'y 16, 1892

Hon. Delancey Ricoll,
District Attorney,
Dear Sir:

I called to see you in person yesterday, but as you were very much occupied I was requested to communicate with you in writing. I desire to submit to you the enclosed affidavits, which fully explain themselves, & to respectfully request you to present the matter therein spoken of to the Grand Jury for their action. Mr. Levy

08 12

2.

Herman Cook,
ATTORNEY AND COUNSELLOR AT LAW,
21 PARK ROW,
OFF POST OFFICE,
ROOM 54.

NEW YORK,

189

upon whom the assault and robbery were committed is a respectable business man, & as similar occurrences have taken place in that locality, it would seem to be of the utmost importance that an effort be made to punish the guilty parties. One of the assailants of Mr. Berry, viz. Paul Diamond, was arraigned before Justice Kellum, but was dismissed. The examination before the Police Magistrate was an oral one & was very unsatisfactory in its results. In my opinion, the presence

08 13

Herman Cook,
ATTORNEY AND COUNSELLOR AT LAW,
21 PARK ROW,
OFF. POST OFFICE.
ROOM 54.

• 3 •

NEW YORK, _____ 189 _____

ought to have been held judicial
upon the evidence presented
against him. Nevertheless, he
was discharged, I do not
see how there can be any
mistake as to his identifica-
tion. He has been convicted
before of petty larceny, and
I am informed by an officer
whose name I have, although
he denied that he ever had
been at the hearing in the
Police Court. I leave the
matter with you & earnestly
request that you give it only
attention, & if upon investigation
such a course in your opinion
would be proper, that the matter
be given to the Grand Jury. Very respectfully,
Herman Cook

In the matter of

THE PEOPLE

vs.

DIMOND, PEARLMAN and GOLDSTONE.

MORRIS LEVY, complainant, will testify to all the circumstances.

HERMAN LEVY, will testify to all the circumstances.

SAMUEL LEVY, will testify to the circumstances attending the commencement of the quarrel out of which the assault and robbery grew.

MRS. A. SHAPIRO saw the assault, but could not identify Dimond among the assailants. She can identify Pearlman and Goldstone. Dimond at one time made her pay him a reward for the return of a bag of beans which had been stolen from her.

A. Levinson saw the assault and saw Dimond among the crowd. He is not positive about Dimond taking any part in the affair.

Officer Charles Nell will testify to arrest of Dimond on night of the robbery, his identification and arraignment in Police Court.

X Officer Hagan will testify to conviction of Dimond for petty larceny. (Dimond denied in Police Court that he had ever been convicted of any crime.)

MORRIS KOSCH will testify to assault and attempt at robbery

2.

made upon him by Dimond, and a warrant being issued for his arrest.

J. JONAS will corroborate Morris Kosch.

Dr. Hall, 147 East Broadway, (not subpoenaed) treated complainant for his injuries on the night of the assault.

Dr. WEISS, 329 West 28th Street, (not subpoenaed) treated complainant afterwards for his injuries.

Dimond is known by the people with whom he mingles as "Paul, the pick-pocket" and it is said that he was in the House of Refuge when a boy and was also arrested in Connecticut for a crime. It is also said that he was convicted in the Court of General Sessions before Recorder Smythe of some crime, seven or eight years ago. The other two defendants have reputations as bad as Dimond's, and one or both of them were arrested for a crime in Brooklyn only recently.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Paul Dimond
John Beadman
George F. Stone*

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

Paul Dimond, John Beadman, and George F. Stone
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Paul Dimond, John Beadman
and George F. Stone, both*
late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *January*, in the year of our Lord one thousand eight hundred and
ninety-*two*, in the *middle* time of the said day, at the City and County aforesaid,
with force and arms, in and upon one *Morris Levy*,
in the peace of the said People then and there being, feloniously did make an assault, and
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *two*

dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *two*

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *two*

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *two*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of
the value of *two*

of the goods, chattels and personal property of the said *Morris Levy*
from the person of the said *Morris Levy* against the will
and by violence to the person of the said *Morris Levy*
then and there violently and feloniously did rob, steal, take and carry away, *the said*
Paul Dimond, John Beadman, and
George F. Stone, and each of them being
then and there aided by an accomplice,
actually present, to wit: each of the others.

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

*Samuel M. ...
District Attorney*

08 17

BOX:

463

FOLDER:

4254

DESCRIPTION:

Donovan, George

DATE:

01/14/92



4254

08 18

BOX:

463

FOLDER:

4254

DESCRIPTION:

Donohue, John F.

DATE:

01/14/92



4254

Witnesses:

Counsel,

Filed

189

day of

Reads

THE PEOPLE

vs.

Burglary in the Third Degree. [Section 498, Penal Code 1.]

George Donovan

and

John J. Donohue

DE LANCEY NICOLL,

District Attorney.

P. P. Jan 27, 1892

Not tried and acquitted

A TRUE BILL.

Charles DeForest

Foreman.

Jan 15/92

W. B. [Signature]

W. B. [Signature] Clerk

3 nos. 80. 97.

Police Court - 4 District.

City and County of New York, ss.:

Patrick Christopher Bayler of No. 144 1/2 First Avenue Street, aged 31 years, occupation ~~fish or ground~~ being duly sworn deposes and says, that the premises No. 144 1/2 First Avenue Street 19th Ward in the City and County aforesaid the said being a Four Story Brick Building and which was occupied by deponent as a Liquor Store and in which there was at the time ~~no~~ human being, by ~~name~~

were BURGLARIOUSLY entered by means of forcibly prising open ~~and~~ the fan light over the front door leading into said premises and entering through said fan light

on the 2nd day of January 1887 on the night time, and the following property feloniously ~~stolen~~ ^{attempted to be} taken, stolen, and carried away, viz:

a quantity of liquors and cigars of the value of about fifteen hundred dollars (\$1500⁰⁰ - ⁰⁰/₁₀₀)

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by George Donovan, John F. Durbolun (both now here) and Samuel Gray and Joseph Kelly, not yet arrested and while acting in concert with each other for the reasons following, to wit: ~~that~~ ^{that} said fan light ~~was~~ ^{was} prised open at about the hour of 5.30 P.M. on the aforesaid day ~~and~~ ^{and} said fan light over the front door of premises No. 144 1/2 First Avenue was securely locked and fastened and deponent left said premises and secured closed all the doors of said store and deponent is informed by Officer Raymond J. Hughes of the 25th Precinct Police that at about the hour of 3 A.M. on the aforesaid

day, he, Keogh, saw said Donovan
in said store and said Donovan was
standing at the hall or side door which
also leads and opens into said premises
with him, Keogh, then forced open the
side door leading into said store and
then found said Donovan and arrested
him.

Respondent further says that he
is informed by said Officer Keogh that
said Samuel Gray and Joseph Kelly (not yet
arrested) were standing on the north end corner
of 75-Street and First Avenue where the aforesaid
premises are located and they said Gray
and Kelly, did not move when he,
Keogh, approached and came into their view.

Respondent therefore charges said Donovan,
Samuel Gray and Kelly, while acting in concert
with each other, with having Burglariously entered
the aforesaid premises with the intent to
commit a crime and takes that they may
be dealt with as the law may direct.

2 days before me this
Police Justice
John J. Ryan
Police Justice
Patrick Boylan
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
Police Justice

Police Court, District, _____
THE PEOPLE, &c.,
on the complaint of _____
vs. _____
Dated _____ 1888
Magistrate _____
Officer _____
Clerk _____
Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
§ _____ to answer General Sessions.

0822

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Edward J. Hughes
95 - Bernier Police Police Officer of No.
 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Patrolman Buzlan
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 2
day of January 1892 ✓ Edward J. Hughes

John J. Ryan
Police Justice.

0823

Sec. 198-200.

4 District Police Court

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

George Donovan

Question. How old are you?

Answer.

George Donovan

Question. Where were you born?

Answer.

New York City

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

Answer.

N^o 228 East 76 Street + about 3 months

Question. What is your business or profession?

Answer.

Plaster

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

Answer.

I am guilty

George Donovan

Taken before me this

day of

George Donovan
George Donovan

Police Justice

0829

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *John F. Donohue*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *ND*

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

Answer. *No 228 East 76 Street about 2 years*

Question. What is your business or profession?

Answer. *Peddler*

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

Answer. *I am not guilty.*

John F. Donohue

Taken before me this

day of *August* 1924

John F. Donohue

Police Justice.

0826

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

George Donovan
John F. Dowling

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

Dated *Jan 2* 18*92* *John Ryan* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Police Court--- District. ^{155 7637} 28

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Boylan
vs. ~~John J. Ryan~~
1. ~~John J. Ryan~~
2. ~~John J. Ryan~~
3.
4.

Offence *Drunkenness*

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

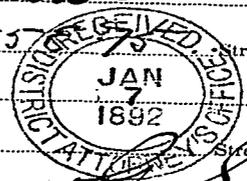
No. 4, by _____
Residence _____ Street.

Dated *Jan 2* 1892
Ryan Magistrate.

J. J. Hughes Officer.
75 Precinct.

Witnesses *Call Officer Hughes*
No. *Officer W. King* Street.
75 Precinct

No. *Tara Kelly 355* Street.



No. *1500 Each* Street.

1500 Ex Jan 5 - Ryan

0028

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
George Donovan
and
John F. Donohue

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

George Donovan and John F. Donohue

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *George Donovan and John F. Donohue, both*

late of the *19th* Ward of the City of New York, in the County of New York aforesaid, on the
second day of *January* in the year of our Lord one
thousand eight hundred and ninety-*two* in the *right*-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one *Patrick Boylan* ———

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Pat-*
rick Boylan in the said *store* ———
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney

0829

BOX:

463

FOLDER:

4254

DESCRIPTION:

Donvan, James

DATE:

01/06/92



4254

Witnesses:

Witness signature lines

30 *W. H. Kennedy*

Counsel,
Filed *6* day of *Jan* 189*2*
Pleas, *Maguire*

THE PEOPLE

vs.

James Donovan

Grand Larceny, *From the Person,*
Degree. *Penal Code.*
(Sections 528, 531)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

W. H. DeForest

Park 3, Jan 11 1892
Foreman.
Lined & acquitted

0831

Police Court 1 District. Affidavit—Larceny.

City and County }
of New York, } ss: Richard Watson
of No. 189 Park Row Street, aged 41 years,
occupation Machinist being duly sworn,
deposes and says, that on the 25 day of December 189 / at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, ^{and person} in the day time, the following property, viz:

A
number of letters and written memorandums
of the value of about One dollar

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen ^{from his person} and carried away by James Donovan
(now here) for the reason that on the above date
deponent was sitting on a roof in Roosevelt
Street and had the above described property in
the pockets of his clothes. Deponent is informed by
Officer Peter D. Carter of the 4th Precinct
that he saw the defendant insert his hand in
the pockets of deponent's clothes and take therefrom
the above described property. Deponent identifies
the same as his property and charges the
defendant with the larceny of the same from
his person.

Richard Watson

Sworn to before me, this 26 day
of December 189 /
George S. Knapp
Police Justice.

0032

1877

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter D. Carter

aged 38 years, occupation Policeman of No.

4th Precinct

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Richard W. Stearns

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 26
day of December 1891

Peter D. Carter

J. J. Williams
Police Justice.

0033

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *James Donovan*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *31 Main Street Brooklyn 3 months*

Question. What is your business or profession?

Answer. *Blacksmith*

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

Answer. *I am not guilty.*

James Donovan
mk

Taken before me this

day of *December* 189*1*

Police Justice

0834

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

Defendant

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

Dated Dec 26 1891 J. J. [Signature] Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

1581

Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Richard ~~Ston~~
189 ~~Ston~~
1 James Donovan

offenced by
the Person

1
2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated December 25 1891

O'Reilly Magistrate.
Peter D. Carter Officer.

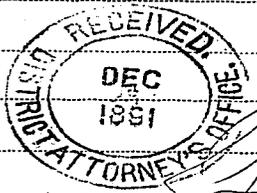
Witnesses Peter D. Carter Precinct.

No. 2nd Precinct Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer



[Handwritten signature]
Person

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Donovan

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

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

The said: *James Donovan*

late of the City of New York, in the County of New York aforesaid, on the *25th* day of *December* in the year of our Lord one thousand eight hundred and ninety-*one*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

ten pieces of paper of the value of ten cents each
price

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

De Lancey Nicoll
District Attorney

0030

BOX:

463

FOLDER:

4254

DESCRIPTION:

Donovan, Timothy

DATE:

01/25/92



4254

0839

BOX:

463

FOLDER:

4254

DESCRIPTION:

Reilly, Philip

DATE:

01/25/92



4254

0840

POOR QUALITY ORIGINAL

This was in effect
135724

Witnesses
W. McCaffrey
J. H. H. H. H.
Abraham H. H.

No 1 and 2
called Jan 28 1892 by
John R. Nugent
1156 10 S

The alleged voter lower for the
repetition of whom ballot
other defendant election
inspectors were indicted, cannot
be found. The address he gave
was a cheap lodging house
and it is not a violent presumption
in the light of the fact
and his subsequent dis-
appearance to assume that
they were justified in reporting
his vote. It remains even sub-
sequently issued, but the person
(Hester) who seems to be doing
this indictment cannot be
further prosecuted and I
do not think it reasonable to
prosecute the other defendant
in this case. J. H. H. H. H.
J. H. H. H. H.

Henry
249 J. H. H. H. H.
1 City of New York

Counsel,
Filed 25 day of July 1892
Pleads Not guilty of

THE PEOPLE,

vs.
Timothy J. Donovan
and
Philip C. Reilly

Violation of Election Law
[Section 1906 Consolidation Act]

DE LANCEY NICOLL,
District Attorney.
Robert J. H. H. H.
May 18 1892

A TRUE BILL.
Chas. J. Reilly

Verdict must be dismissed
on motion of D. C. M. T. M. T.
Foreman.
Apr 2 92

0841

POOR QUALITY ORIGINAL

Trans was in Affairs
13772

Witnesses

W. J. McCaffrey
John R. Nugent
Abraham D. ...

No 1 and 2
called Jan 28/92 by
John R. Nugent
1156 10 S

The alleged voter (never seen) the
reputation of whom to get
three defendants at election
manufactures were indicted, cannot
be found. The address in question
was a cheap lodging house,
and it is not a violent presumption
in the light of that fact
and his subsequent dis-
appearance, to assume that
they were justified in reporting
his vote. If manumens was sub-
sequently issued, but the person
(never) who seemed to be dead.
This indictment cannot be
further prosecuted and
it is recommended that
the case be dismissed.

Henry
249 *W. J. McCaffrey*
16778 *Abraham D. ...*

Counsel,
Filed 15 day of ... 1892

Plead *Not guilty*

THE PEOPLE,

vs.
Timothy J. Donovan
and
Philip C. Reilly

Violation of Election Law
Section 1906 Constitution Oct 7

DE LANCEY NICOLL,
District Attorney.
Retained Jan 27/92

A TRUE BILL.

Chas. J. DeForest

Indictment dismissed
on motion of D.A. *M. J. M. ...*
Apr 2 '92

N. Y. SUPREME COURT

-----:
The People etc., ex rel :
Richard Burke :

-against- :

Timothy J. Donovan, Philip C. :
Reilly, John F. Hunt and Michael :
J. McCaffrey, Inspectors of :
Election in and for the 7th :
Election District of the 2nd :
Assembly District of the City :
of New York :
-----:

Thomas J. Meagher served the original affidavit and order to show cause, which was returnable on November 3rd 1891 at 2.30 P. M.

The grounds of the application was that Burke in pasting made an error, and demanded a new set of ballots which were refused.

Abram Leeser served the peremptory writ of mandamus on the corner of James Street and New Bowery, November 3rd 1891 on Timothy J. Donovan, by handing to and leaving with him a true copy of same, and showing the Judge's signature. At the time of such service, the other three members of the Board were present, and after such service Richard Burke demanded that he be allowed to cast his vote which the Chairman refused to accept after having been served with the writ, and Burke demanded to be allowed to vote in the presence of the other three members of the Board, who heard the conversation which took place between Burke and the Chairman Donovan.

Donovan stated that he would not recognize any authority but his own, as he once disenfranchised said Richard Burke, and would obey no mandate of any court, and he used disrespectful language regarding the same.

The peremptory writ of mandamus was served before 2.30 P. M. allowing said Donovan plenty of time to make his return as therein required, but no return was made; neither of the defendants appeared on the return.

N. Y. SUPREME COURT

The People etc., ex rel
Horace M. Lower

-against-

Timothy J. Donovan, Philip C.
Reilly, John F. Hunt and Michael
J. McCaffrey, Inspectors of
Election in and for the 7th
Election District of the 2nd
Assembly District of the City of
New York

The original affidavit and order to show cause was served by Abram S. Levy, and the grievance of Lower, was, by reason of physical disability, he was unable to prepare and fold his ballots within the time and in the manner required by law, and he demanded of the defendants to be permitted to take a friend into the ~~booth~~ booth with him and offered to take the oath in that regard in order to entitle him to have the assistance of said friend in the preparation of his ballots, but the inspectors refused to permit him to take the oath, and refused to permit him to bring said friend to the booth or compartment provided for such service, to enable him to prepare his ballot.

The order to show cause was returnable at 3 O'clock on the 3rd day of November, 1891, and was served at a quarter past two, thus affording the defendants ample time in which to appear in answer to the order to show cause.

At the time Mr. Levy served Donovan with the order to show cause, Donovan stated to him that he would not appear at the time mentioned in the order to show cause; he would not appear, and he would not allow Lower to vote.

At 3 O'clock, the return hour in the order to show cause, Donovan did not appear, nor did anybody representing him, and at 3:20 a peremptory writ of mandamus was granted, and at 3:30 of that day, Mr. Levy served the peremptory writ of mandamus on the said Board of Inspectors, by delivering to and leaving with one of the members of said Board a true copy of said writ, and exhibiting said original peremptory writ to said Inspector, and showing the Judge's signature. That the relator appeared before the Inspectors after such service, and demanded to be allowed to vote. That said Timothy J. Donovan stated that he would not obey the peremptory writ, would not allow the

relator to vote, and would not obey the order of the court, although Mr. Levy explained to Mr. Donovan the purpose of said writ, and that if he failed to obey the same he would be punished for a contempt of court.

Thereupon said Chairman attempted to strike Mr. Levy, but was prevented from doing so by the police, then Donevan ordered the police to remove Mr. Levy from the said Board of Registry.

N. Y. SUPREME COURT

-----:

:

The People etc., ex rel Bernard :

:

Curtis :

:

-against- :

:

Timothy J. Donovan, Philip C. :

Reilly, John F. Hunt and Michael :

J. McCaffrey, Inspectors of :

Election in and for the 7th :

Election District of the 2nd :

Assembly District of the City of :

New York :

-----:

Affidavit and Order to show cause served by Thomas F. Meagher; returnable ~~November~~ November 3rd 1891 at 2.30 P. M.

Curtis swears that he had destroyed one of his ballots given him on Election Day by the Election Officers, and demanded a new set, which was refused, said ballot having been destroyed accidentally in trying to fix a paster.

A peremptory writ of mandamus was issued by Judge Lawrence, and the defendants required to make return to the writ on the 3rd day of November at 3 O'clock.

The peremptory writ of mandamus was served by Abram Leeser at the corner of James Street and New Bowery upon Timothy J. Donovan, Chairman, by leaving a true copy of said writ with him, and showing the Judge's signature to the original.

Thereupon Curtis demanded of the four defendants that he be allowed to cast his ballot which they refused, even after they had been served with the writ a second time. The Chairman said that he would not recognize any other authority but his own as he had disenfranchised him, and would obey no mandate of any court, and refused to allow the relator to vote.

The service was made before 2.30 P. M., and as the polling place was near the Court House, it afforded the defendants ample time to make return to the writ at 3 O'clock.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 100 000 (сто тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 50 000 (пятьдесят тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 200 000 (двести тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 150 000 (сто пятьдесят тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 300 000 (триста тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 400 000 (четыреста тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 500 000 (пятьсот тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

*Wendy in Be
Election Case*

Судебный приказ выдан в соответствии с требованиями ст. 122 ГПК РФ, взыскать с ответчика в пользу истца денежные средства в размере 600 000 (шестьсот тысяч) рублей, а также проценты за пользование деньгами в размере 10% годовых с момента взыскания до фактического исполнения.

POOR QUALITY ORIGINAL

0048

Fol 1

S U P R E M E C O U R T

County of New York

-----:

:

The People of the State of New :

York, ex rel Richard Burke :

:

-against- :

:

Timothy J. Donovan, Philip C. :

Reilly, John F. Hunt and Michael :

J. McCaffrey, Inspectors of :

Election in and for the 7th :

Election District of the 2nd :

Assembly District of the City of :

New York :

-----:

/:

On reading and filing the affidavit of Richard Burke, verified November 3rd 1891, and the order to show cause thereon dated the same day, and proof of service thereof, ~~and the affidavits of Richard Burke, verified November 10th 1891, Abram Leeser Verified November 4th 1891,~~ and the affidavit of David Leventritt, verified November 11th 1891, and the Peremptory Writ of Mandamus granted November 3rd 1891, and proof of service thereof, copies of which are hereto annexed,

2

O R D E R E D that Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey show cause before me at a Special Term of the N. Y. Supreme Court County of New York, to be held at Chambers thereof at the County Court House in the City of New York, on the 16th day of November 1891 at *11 am* of that day, or as soon thereafter as counsel can be heard, why the above named Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey should not be punished for their misconduct in disobeying the annexed Peremptory Writ of Man-

POOR QUALITY ORIGINAL

0849

drawn as to coin directed, and why they and each of them
should not be adjudged guilty of a contempt of this Court,
and why *they* should not be *punished therefore*, and why
such other and more relief *should not be granted* may seem just
and proper.

Service of this order, and of the writs upon which
this writ is granted on the 13th day of November 1891,
might be deemed sufficient.

Dated November 12 1891.

Abner P. Lawrence
Joc

Vol 1

S U P R E M E C O U R T

City and County of New York

The People of the State of New York, ex rel Richard Burke

-against-

Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York

City and County of New York, ss--:

I, Richard Burke, being duly sworn, depose and say: I am the relator herein. That the affidavit verified by me on November 3rd 1891, and the allegations therein contained are true.

I appeared before the Board of Inspectors of the 7th Election District of the 2nd Assembly District of the City of New York, at the time the peremptory writ of mandamus herein was served, and I demanded of said Board a set of ballots, for the purpose of voting, but said Board of Inspectors refused to give me a set of ballots, and refused to comply with said peremptory writ of mandamus, as appears by the affidavit of Abram Leeser hereto annexed, ~~and~~ that the allegations therein contained are true in every particular. That in consequence of said refusal by said Board of Inspectors, I was unable to vote.

That when this proceeding was commenced, I did not

know the names of said Board of Inspectors of the 7th
Election District of the 2nd Assembly District of the
City of New York, and that said Board of Inspectors was
composed of Timothy E. Donovan, Philip C. Reilly, John F.
Hunt and Michael J. McCaffrey.

Sworn to before me this *Richard P. ...*
10th day of November, 1891.

J. Kurzman
Notary Public
N.Y.C.

3 Richard Burke, demanded that he be allowed to cast his vote, which said Chairman refused to accept after having been served with said Peremptory Writ of Mandamus, and that such demand was made in the presence of Philip C. Reilly, John F. Hunt and Michael J. McGaffrey, who heard the conversation between said Relator Richard Burke and the Chairman of said Board, Timothy J. Donovan.

Said Chairman, Timothy J. Donovan stated that he would not recognize any authority but his own, as he had once disenfranchised said Richard Burke, and would obey no mandate of any court. *and used disrespectful language regarding the Court*

4 I further say that I served the annexed Peremptory Writ of Mandamus before 2:30 O'clock P. M. on the 3rd day of November, 1891, allowing the said Chairman Timothy J. Donovan ample time in which to make his return to the Court at 3 O'clock P. M.

I attended herein at the Court House at said hour, but neither of the defendants appeared.

Sworn to before me this

4th day of November, 1891

Abram Leese
Arthur Katschill
Clerk of Courts
Wm. City

0854

Fol 1

S U P R E M E C O U R T

County of New York

The People of the State of New York, ex rel Richard Burke

-against-

Timothy J. Donovan, Philip G. Reilly, John F. Hunt and Michael J. McCaffrey, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York

City and County of New York, as--

I, David Loventritt, being duly sworn, depose and say:-

I am the attorney for the relator herein. The names of the Inspectors of Election of the 7th Election District of the 2nd Assembly District having been unknown to Richard Burke, the relator herein, at the time of the adoption of these proceedings, they were designated as John Doe and Richard Roe and others, but since then it has been ascertained that the above named Timothy J. Donovan, Philip G. Reilly, John F. Hunt and Michael J. McCaffrey composed said Inspectors of Election in and for the said 7th Election District of the 2nd Assembly District of the City of New York, and said Timothy J. Donovan was and acted as the Chairman thereof on Election Day, November 3rd 1891.

2

No previous or other application was made for the annexed order to show cause.

Sworn to before me this

11th day of November, 1891.

Edward Leventritt

Arthur Rothchild
County Clerk
New York City

Supreme Court,
City and County OF NEW YORK.

The People ex rel Richard
Banks Plaintiff

against

John Doe et al Defendant

Affidavit of Service.

City and County of New York, ss.:

Thomas F. Meagher

being duly sworn, says that he is over the age of 18 years, and is a Clerk in the office of DAVID
~~Attorney~~ herein, and that on the 3rd day of November 1891,

at 52 New Burying in the City of New York, he served upon
the Chairman of the Board of Election Inspectors for the 7th
Election District of the 1st Assembly District, the annexed
Order to show cause, and at the same time exhibiting
to said Chairman the signature of Hon. Abraham Lawrence
Chairman attached

~~He further says that he knew the person named as aforesaid to be~~

~~Dependent further cause, and said said Order to show cause~~
Sworn to before me, this 3rd day of November 1891

Thomas F. Meagher

Arthur Rothschild
Clerk of Records

New York City and County.

1

New York Supreme Court.

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK, EX REL.,
Richard Burke
AGAINST

2

JOHN DOE AND RICHARD ROE, and others, all of whose names are unknown, Inspectors of Election in and for the *7th* Election District of the *2nd* Assembly District of the City of New York.

On reading and filing the affidavit of *Richard Burke* the relator above named, dated the 3d day of November, 1891,

Ordered that John Doe and Richard Roe and all others whose real names are unknown but who constitute the Inspectors of Election in and for the *7th* Election District of the *2nd* Assembly District of the City of New York, show cause before me or such other Justice of the Supreme Court, as may be in attendance at the County Court House, New York City, at the hour of *2 1/2* o'clock this day, why a peremptory writ of mandamus should not issue out of and under the seal of this Court, directed to the said John Doe and Richard Roe and others, Inspectors of Election in and for the *7th* Election District of the *2nd* Assembly District of the City of New York, and any other person or persons in charge of said Election District, commanding and requiring them forthwith to permit *Richard Burke* the relator to vote in the manner provided by law and that you *be compelled to* accept, receive and deposit said ballot when properly prepared in the ballot box for the reception of ballots voted by voters.

Cause being shown, service of this order and of the accompanying affidavit on which it is granted may be made less than eight days, and it is hereby directed that the same be served on or before *1 45 PM* o'clock of this day.

Dated New York, November 3d, 1891.

Abraham R. Lawrence
Justice of the Court.

5 In the matter of the application of
for a Writ of Peremptory Mandamus.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } ss. :

Richard Purcell

being duly sworn, deposes and says :
in the *7th* Election

That he resides at *48 New Pomeroy*
District of the *2nd* Assembly District, of the City of New York, and is
a duly registered voter in that District, and is likewise a duly qualified voter in and for the said
6 Election District of the City, County and State of New York; that deponent on this 3d day of
November, 1891, attended at the said Election District and asked to be permitted to exercise his
right to vote. That John Doe, Richard Doe and others, all of whose names are unknown
to Deponent, are the Inspectors of Election in said District, but said Inspectors refused to allow
deponent to vote in the manner provided by law.

7 *Deponent in fasting made an
error and requested new ballots which
was refused*

That by reason of the matters aforesaid, deponent has not cast any ballot and has been
prevented from exercising his right of suffrage.

8 Deponent asks for an order to show cause why he should not have a peremptory writ of
mandamus, commanding the said Inspectors to perform their duty in the premises, and permit him
to vote, as required by law; and he asks that an order to show cause be made returnable at once, or
within an hour, to the end that deponent's rights in the premises may be determined before
it be too late for him to exercise the right or suffrage because by law the polls in the Election
District wherein deponent has the right to vote are open only from 6 o'clock A. M. until 4
o'clock P. M.

Sworn to before me this 3d }
day of November, 1891.

Richard Purcell

9 *Arthur Rothchild*
Com. of Leeds
City

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK
EX REL.

Richard P. ...

against

JOHN DOE AND RICHARD ROY, INSPECTORS OF ELECTION IN AND FOR THE 7th ELECTION DISTRICT OF THE 2nd ASSEMBLY DISTRICT OF THE CITY OF NEW YORK.

AFFIDAVIT AND ORDER
TO SHOW CAUSE.

David ...

Attorney for Relators,
200 Broadway
New York City.

0850

1

New York Supreme Court,

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

TO

JOHN DOE and RICHARD ROE, and others, all of whose names are unknown, Inspectors of Election in and for the Election District of the Assembly District of the City of New York.

2

WHEREAS, it has been shown that *Richard Burke* is a duly qualified voter of the City of New York, and is duly registered as such qualified voter in the *7th* Election District of the *2nd* Assembly District of the City of New York, and that he has offered to vote and to cast his ballot as he is lawfully entitled to, said John Doe and Richard Roe, and all others whose real names are unknown, but who constitute the Inspectors of Election of the *7th* Election District of the *2nd* Assembly District of the City of New York,

3

you have refused to accept, receive and deposit the ballot of said relator, though properly prepared, in the ballot box for the reception of the ballots of voters, of all of which we are informed by the affidavit of the said *Richard Burke* and the facts stated in which affidavit, after due hearing of said Inspectors, or due notice to them, we have adjudged to be true, as appears to us of record,

4

Now THEREFORE, we being willing that full and speedy justice be done in this behalf to him the said *Richard Burke* as is just, command you firmly enjoining, that immediately after the receipt of this writ,

and that you do then permit him to vote in the manner provided by law, and that you accept, receive and deposit the ballot of said relator in the ballot box for the reception of the ballots of voters, lest complaint shall again come to us by your default; and in what manner this our command shall be executed, make appear to our said Supreme Court, on this *31st* day of November, 189*8*, at *3* o'clock, at the Court House, in the City of New York, then and there returning this our writ.

5

WITNESS,

Abm R. Lawrence

One of the Justices of the Supreme Court of the City of New York, this *31st* day of November, 189*8*.

Almond

John Doe
Richard Roe
et al

0051

IN SENATE
JANUARY 10, 1951

REPORT

THE SENATE HAS RECEIVED FROM THE COMMISSIONERS OF THE STATE OFFICE OF GENERAL SERVICES, A REPORT ON THE ADMINISTRATION OF THE OFFICE DURING THE YEAR 1950. THE REPORT IS HEREBY PRINTED IN SENATE DOCUMENTS.

THE SENATE HAS RECEIVED FROM THE COMMISSIONERS OF THE STATE OFFICE OF GENERAL SERVICES, A REPORT ON THE ADMINISTRATION OF THE OFFICE DURING THE YEAR 1950. THE REPORT IS HEREBY PRINTED IN SENATE DOCUMENTS.

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK
EX REL.

Richard Roe

against

JOHN DOE AND RICHARD ROE, INSPECTORS OF ELECTIONS AND FOR THE 7th ELECTION DISTRICT OF THE 2nd ASSEMBLY DISTRICT OF THE CITY OF NEW YORK.

PEREMPTORY WRIT OF MANDAMUS.

DAVID LEVENTRITT,

Attorney for Relator,

280 BROADWAY,
New York City.

Almond
Alvin R. Lamm
W. B. L.

C. G. Bugoyne, Walker and Centre Sts., New York.

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1951

0862

N.Y. Supreme Court.

*The People of the State of New York
vs. Richard S. ...*

*Samuel J. Dawson
Attorney for
Copy Affidavits and
Order to show cause*

TAKE NOTICE, that the within is a copy of this day duly entered herein in the office of the Clerk of the

of New York, 189 Yours, &c.,

DAVID LEVENTRITT, Attorney.
Office and Post Office Address,
280 Broadway, New York City.

To Attorney.

DAVID LEVENTRITT,
Attorney for *Relator*
280 BROADWAY,
NEW YORK CITY.

Due and timely service of a copy of the within is hereby admitted.
Dated, 189

Attorney for

Fol 1

S U P R E M E C O U R T

County of New York

The People of the State of New York, ex rel Horace M. Lower

-against-

Timothy J. Donovan ~~xxx~~ Philip C. Reilly, John F. Hunt and Michael J. McCaffrey, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York

On reading and filing the affidavit of Horace M. Lower, verified November 3rd 1891, and the order to show cause thereon dated the same day, and proof of service thereof and the affidavit of Horace M. Lower, verified

November 12th 1891, Abram S. Levy, verified November 7th 1891, and the peremptory writ of mandamus granted November 3rd 1891 and proof of service thereof, copies of which are hereto annexed, *and the affidavit of David Beventritt verified November 12th 1891*

" 2 "

O R D E R E D that Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey show cause before me at a Special Term thereof to be hold at Chambers, At the County Court House in the City of New York, on the 16th day of November 1891, at 10 o'clock of that day, or as soon thereafter as counsel can be heard, why the above named Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey should, not be punished for their

misconduct in disobeying the annexed Peremptory Writ of
Mandamus as therein directed, and why they and each of
them should not be adjudged guilty of a contempt of this
Court, and why they should not be punished therefor, and
why such other and further relief should not be granted
as to the Court may seem just and proper.

Service of this Order, and of the papers upon which
the same is founded on or before November 13th 1891, shall
be deemed sufficient.

Dated November 12th 1891.

Alvin R. Lawrence
Justice etc.

Fol 1

S U P R E M E C O U R T
City and County of New York

The People of the State of New
York, ex rel Horace M. Lower

-against-

Timothy J. Donovan, Philip C.
Reilly, John P. Hunt and Michael
J. McAffrey, Inspectors of
Election in and for the 7th
Election District of the 2nd
Assembly District of the City
of New York

City and County of New York, as--

I, Horace M. Lower, being duly sworn, depose and
say: I am the Relator in this proceeding. That the
affidavit verified by me on the 3rd day of November, 1891,
and the allegations therein contained are true.

2

I appeared before the Board of Inspectors of the
7th Election District of the 2nd Assembly District of the
City of New York, at the time the peremptory writ of man-
damus herein was served, and I demanded of said Board a set
of ballots for the purpose of voting, but that said Board
of Inspectors refused to give me a set of ballots, and re-
fused to comply with said peremptory writ of mandamus, and
in consequence of said refusal, I was unable to vote.

That I have read the affidavit of Abram S. Levy
hereto annexed, and the allegations therein contained, are

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true in every particular.

Sworn to before me this
12th day of November, 1891

} Horace M. Lower

Arthur Rothschild
Com of Deeds
N.Y. City

Fol 1

SUPREME COURT

City and County of New York

The People of the State of New York, ex rel, Horace M. Lower

-against-

Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey, Inspectors of Election in and for the 7th Election District in and for, the 2nd Assembly District of the City of New York

City and County of New York, ss--

I, Abram S. Levy, being duly sworn, depose and say: I am a clerk in the office of David Leventritt, Attorney for the relator herein. That on the 3rd day of November 1921, at the corner of James Street and New Bowers, in the City of New York, I served upon Timothy J. Donovan, Chairman of the Board of Inspectors of Election of the 7th Election District, in and for the 2nd Assembly District of the City of New York, a true copy of the affidavit and order to show cause in the above proceeding, by delivering to and leaving with said Timothy J. Donovan, a true copy thereof, and exhibiting to him the signature of the Justice thereto subscribed; requiring the said persons composing the Board of Inspectors of the 7th Election District in and for the 2nd Assembly District of the City of New York, to perform their duty as such inspectors and to permit the said relator Horace M. Lower to vote, and to receive, accept and

2

3

deposit his ballot, as an elector in the said 7th Election District in and for the 2nd Assembly District of the City of New York. That said order to show cause was served upon Timothy J. Donovan at 2.15 P. M. on November 3rd 1891, and was returnable at 3.00 P. M. on said day. That at the time I served the order to show cause on Timothy J. Donovan, he stated to me, he would not appear at the time mentioned in said order to show cause; that he would not appear and would not allow the relator to vote; that at 3 O'clock P. M. on November 3rd 1891, said Timothy J. Donovan did not appear, nor did any person representing said Board, and at 3.20 P. M. on the same day, a peremptory writ of mandamus was granted in this proceeding requiring said Board of Inspectors to perform their duty as such Inspectors and to permit the said relator Horace H. Lower, to vote, and receive, accept and deposit his ballot, as an elector in said 7th Election District of the 2nd Assembly District in the City of New York.

4

That at the hour of 3.30 P. M. on said day, I served upon said Board of Inspectors of said Election District, the peremptory writ of mandamus granted in this proceeding, by delivering to, and leaving with one of the members of said Board of Inspectors, a true copy of said peremptory writ of mandamus and exhibiting said original peremptory writ of mandamus which is hereby annexed, to said Inspector and the signature of the Justice thereto subscribed and the seal of this Court. That I had the relator appear before said Board of Inspectors when said

5

peremptory writ of mandamus was served, and he demanded to be allowed to vote ^{of the persons heretofore mentioned, comprising said Board}. That said Timothy J. Donovan stated he would not obey the peremptory writ of mandamus; that he would not allow the relator to vote, and would not obey the order of this Court, although I explained to said Timothy J. Donovan and the other members of said Board, the purpose of said writ of mandamus, and that if they failed to obey said peremptory writ of mandamus, they would be punished for a contempt of court:

Whereupon said Timothy J. Donovan attempted to advise me that he was prevented from so doing by the police, whereupon I ordered the police to remove him from the

said place of registration. That at the time said order to show cause and said peremptory writ of mandamus in this proceeding was obtained, the names of said Inspectors of Election were not known to plaintiff, but since said time, the names of said Inspectors named as John Doe and Richard Roe and others were obtained, and the names of said Inspectors are those above mentioned, and they are the same persons mentioned as John Doe and Richard Roe and others, as the Board of Inspectors of the 7th Election District of the 2nd Assembly District of the City of New York.

6

Sworn to before me this

7th day of November, 1901.

Albion Lewis

J. Kurzman
Notary Public
W. J. Co.

Fel 1

S U P R E M E C O U R T

County of New York.

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:

The People of the State of New Y :

York, ex rel Horace M. Lower :

:

-against- :

:

Timoth. J. Donovan, Philip C. :

Reilly, John F. Hunt and Michael :

J. McCaffrey, Inspectors of :

Election in and for the 7th :

Election District of the 2nd :

Assembly District of the City of :

New York :

-----:

City and County of New York, ss--

I, David Lowentritt, being duly sworn, depose and say:

I am the attorney for the relator herein. The names of the Inspectors of Election, of the 7th Election District of the 2nd Assembly District having been unknown to Horace M. Lower, the relator herein, at the time of the adoption of these proceedings, they were designated as John Doe and Richard Roe and others, but since then, it has been ascertained that the above named Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey composed said Inspectors of Election in and for the said 7th Election District of the 2nd Assembly District of the City of New York, and said Timothy J. Donovan was and acted as the Chairman thereof on Election Day, November 3rd 1891.

2

No previous or other application was made for the

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annexed order to show cause.

Sworn to before me this
13th day of November, 1891.

WITNESSES

David Lountitt

Arthur Rothchild
Comr of Deed.
N.Y. City

Pol 1

SUPREME COURT

County of New York

The People of the State of New York
ex rel Horace M. Lower

-against-

John Doe and Richard Roe, Inspectors
of Election in and for the 7th Election
District of the 2nd Assembly District
of the City of New York

On reading and filing the affidavit of Horace M. Lower, the relator above named, dated the 3rd day of November 1891,

O R D E R E D that John Doe and Richard Roe, and all others whose real names are unknown, but who constitute the Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York, show cause before me in attendance at the County Court House, New York City at the hour of three o'clock P. M. this day, why a peremptory writ of mandamus should not issue out of and under the seal of this Court, directed to the said John Doe and Richard Roe and others, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York, and any other person or persons in charge of said Election District, commanding and requiring them forthwith to permit Horace M. Lower, the relator, to take oath that by reason of physical

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disability resulting from stiff and clumsy fingers, he is unable to prepare his ballot as required by law, and that upon taking such oath, they do permit him to retire with a person of his selection to one of the booths or compartments provided in said Election District for the purpose of preparing his ballot, and to accept, receive and deposit said ballot when properly prepared with such assistance in the ballot box for the reception of ballots voted by voters.

Cause being shown, service of this order and of the accompanying affidavit on which it is granted, may be made less than eight days, and it is hereby directed that the same be served on or before 2 1/2 o'clock P. M. this day.

Dated New York November 3rd 1891

Abner R. Lawrence
Justice Supreme Court.

Fol 1

STATE OF NEW YORK
City and County of New York : ss-

Horace M. Lower, being duly sworn, deposes and says: That he resides at 227 Park Row in the 7th Election District of the 2nd Assembly District of the City of New York, and is a duly registered voter in that district and is likewise a duly qualified voter in and for the said Election District of the City, County and State of New York; that deponent on the 3rd day of November 1891, attended at the said Election District and asked to be permitted to exercise his right to vote, and deponent was given a large number of ballots, to wit, six ballots. That John Doe and Richard Roe and others, all of whose names are unknown to deponent, are the Inspectors of Election in said District.

2 That deponent endeavored to prepare and fold the said ballots in the manner required by law, but he found that his fingers were so clumsy and stiff, that he was unable to prepare and fold said ballots within the time limited and the manner required by law; that he then and there stated to the said Inspectors of Election in said District, that he was unable by reason of physical disability, due to the fact that his fingers were stiff and clumsy, to prepare his ballot without assistance, and then and there offered to take the oath in that regard, provided for, and requested permission from said inspectors that he might bring with him to the booth or compartment provided for that purpose, a person to be selected by him, to aid him in

3 the preparation of his ballot, but the said Inspectors refused to permit him to take said oath, or to bring said person to the booth or compartment provided for that purpose, to enable deponent to prepare his ballot.

That by reason of the matters aforesaid, deponent has not cast any ballot and has been prevented from exercising his right of suffrage.

4 Deponent asks for an order to show cause why he should not have a peremptory writ of mandamus, commanding the said inspectors ~~not~~ to perform their duty in the premises, and permit him to take the oath as aforesaid, and on taking the oath, to bring a person of his selection into the booth or compartment prepared for that purpose, to assist in preparing his ballot, and permit him to vote, and he asks an order to show cause made returnable at once or within an hour, to the end that deponent's rights may be determined in the premises, before it be too late to exercise his right of suffrage, because by the law of the polls in the Election District wherein deponent has to vote, are open only from 6 o'clock A. M. until 4 o'clock P. M.

No previous application for this order has been made.

Sworn to before me this : : his
3rd day of November, 1891 : : Horace M. X Lower
: : mark

James W. Monk,
Notary Public,
Kings Co. Certif.
filed in N. Y. Co.

Fol 1

NEW YORK SUPREME COURT

The People of the State of New
York, ex rel Horace M. Lower

-against-

John Doe and Richard Roe, and
others, all of whose names are unknown,
Inspectors of Election
in and for the 7th Election Dis-
trict of the 2nd Assembly Dis-
trict of the City of New York

WHEREAS, it has been shown that Horace M. Lower,
is a duly qualified voter in the City of New York, and is
duly registered as such qualified voter in the 7th Election
District of the 2nd Assembly District of the City of
New York, and that he has offered to make oath before you,
said John Doe and Richard Roe, and all others, whose real
names are unknown, but who constitute the Inspectors of
Election of the 7th Election District of the 2nd Assembly
District of the City of New York, that by reason of his
physical disability, resulting from stiff and clumsy fin-
gers, he is unable to prepare his ballot as required by
law, and has requested you to permit a person to be select-
ed by him to accompany him to the booth or compartment
provided for in said Election District for such purpose
to assist him in the preparation of his ballot, and that
you have refused to permit him to take such oath, and to
bring a person to be selected by him to the booth or compart-
ment provided in said Election District, for such purpose

2

3

to assist him in the preparation of his ballot, of all of which we are informed by the affidavit of the said Horace M. Lower, and the facts stated in which affidavit we have adjudged to be true, as appears to us of record.

4

NOW THEREFORE, we being willing that full and speedy justice be done in this behalf, to him the said Horace M. Lower, as is just, command you firmly enjoining, that immediately after the receipt of this writ, you do permit him to take oath before you, that by reason of his physical disability, resulting from stiff and clumsy fingers, he is unable to prepare his ballot as required by law, and that upon taking such oath, you do permit him to bring with him a person to be selected by him, to one of the booths or compartments provided for in said Election District, for the preparation of his ballot, and then and there receive the assistance of such person in the preparation of his ballot, and that you do then permit him to vote in the manner provided by law, lest complaint shall again come to us and by your default; and in what manner this our command shall be executed, make appear to our said Supreme Court on this 3rd day of November 1891, at 10 o'clock at the Court House, in the City of New York, then and there returning this our writ.

WITNESS

? Abram. R. Lawrence, one of the Justices of the Supreme Court of the City of New York, this 3rd day of November, 1891

Allowed
Attest L. A. Giegerich, Clerk
(L.S.)

N. Y. Superior Court.

*The People of the State
of New York by rel.
Attace W. Lewis*

against

*Samuel J. Brown
& co*

*Copy Affidavits
and Order to show cause*

TAKE NOTICE, that the within is a
copy of
this day duly entered herein in the office
of the Clerk of the

Dated New York, 189

Yours, &c.,
DAVID LEVENTRITT,
Attorney.

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

To
Attorney.

DAVID LEVENTRITT,
Attorney for *Relator*

280 BROADWAY,
NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted.

Dated 189

Attorney
Philip H. Kelly
Attorney at Law

0880

Fal 1 SUPREME COURT
County of New York

The People of the State of New
York, ex rel Bernard Curtis

-against-

Timothy J. Donovan, Philip C.
Reilly, John F. Hunt and Michael J.
McCaffrey, Inspectors of Elections
in and for the 7th Election Dis-
trict of the 2nd Assembly District
of the City of New York

On reading and filing the affidavit of Bernard Cur-
tid verified November 3rd 1891, and the order to show
cause thereon dated the same day, and proof of service
thereof, and the affidavits of Abram Leoser Verified Novem-
ber 4th 1891, and David Leventritt verified November 13th
1891 and the peremptory writ of mandamus granted November
5th 1891, and proof of service thereof, copies of which
are hereto annexed,

2 O R D E R E D that Timothy J. Donovan, Philip C.
Reilly, John F. Hunt, and Michael J. McCaffrey show cause
before me at a Special Term of the N. Y. Supreme Court,
County of New York, to be held at Chambers thereof, at the
County Court House in the City of New York, on the 16th
day of November 1891, at 11 o'clock that day, or as soon
thereafter as counsel can be heard, why the above named
Timothy J. Donovan, Philip C. Reilly, John F. Hunt and
Michael J. McCaffrey should not be punished for their con-

00001

3
gross misconduct in disobeying the annexed pre-emptory writ
of mandamus as therein directed, and why they and each of
them should not be adjudged guilty of a contempt of this
Court, and why they should not be punished therefor, and
why such other and further relief should not be granted as
to the court may seem just and proper.

Service of this Order, and of the papers upon which
the same is founded on or before November 14th 1891, shall
be deemed sufficient.

Dated November 13 1891.

Abner R. Lawrence
Justice D.C.

0002

Fol 1

S U P R E M E C O U R T

City and County of New York,

The People of the State of New York, ex rel Bernard Curtis

-against-

Timothy J. Donovan, Philip C. R. Reilly, John F. Hunt and Michael J. McGaffrey, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York

I, Abram Leaser, being duly sworn, depose and say:- That I am a clerk in the office of David Leventritt, attorney for the relator herein. On the 3rd day of November 1891, at the corner of James Street and New Bowery, I served upon Timothy Donovan, Chairman of the Board of Registry in and for the 7th Election District of the 2nd Assembly District of the City of New York, a true copy of the annexed peremptory writ of mandamus by delivering to and leaving the same with said Chairman, at the same time exhibiting to him the signature of Hon. Abraham H. Lawrence, thereunto attached. Whereupon the said relator herein demanded of said Board, composing Timothy J. Donovan, Philip C. Reilly, John F. Hunt and Michael J. McGaffrey, that he be allowed to cast his ballot, which said Board refused to accept, even after they had been served with the writ a second time. The said Chairman saying that he would not recognize any other authority but his own; as he had once disfranchised him, and would obey

no mandate of any court, and refused to allow the relator to vote.

I further say that I served the annexed Writ, before 2:30 o'clock, allowing the said Chairman plenty of time in which to make his return to the Court at 3 o'clock P. M.

Sworn to before me this

4th day of November, 1891.

D. K. Schuster

Notary Public
N.Y. C.

Abram Leiser

Fol 1

S U P R E M E C O U R T

County of New York

The People of the State of New York, ex rel Bernard Curtis

-against-

Timothy J. Donovan, Philip G. Reilly, John F. Hunt and Michael J. McCaffrey, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York

City and County of New York, ss--

I, David Loventritt, being duly sworn, depose and say: I am the attorney for the relator herein. The names of the Inspectors of Election of the 7th Election District of the 2nd Assembly District having been unknown to Bernard Curtis, the relator herein, at the time of the adoption of these proceedings, they were designated as John Doe and Richard Roe and others, but since then it has been ascertained that the above Timothy J. Donovan, Philip G. Reilly, John F. Hunt and Michael J. McCaffrey composed said Inspectors of Election in and for the said 7th Election District of the 2nd Assembly District of the City of New York, and said Timothy J. Donovan was and acted as the Chairman on Election Day, November 3rd 1891.

No previous or other application was made for the annexed order to show cause.

Sworn to before me this 15th day of November, 1891.

David Loventritt

D.K. Schuster
Notary Public

2

Supreme Court,
City and County of New York.

The People ex rel Bernard
Levitt Plaintiff

against
John Doe was Defendant

Affidavit of Service.

City and County of New York, ss.:

Thomas F. Weagher

being duly sworn, says that he is over the age of 18 years, and is a Clerk in the office of DAVID LEVENTRITT, *Attorney* herein, and that on the *3rd* day of *March* 1891, at *Room 52 New Court* in the City of New York, he served upon

John Doe of one of the above named defendants a true copy of the annexed *affidavit and Order* before *145* filed and at the same time exhibiting the signature of *Hon. Abraham R. Lawrence* *Chief Justice*

HE FURTHER SAYS, That he knew the person served as aforesaid to be

Sworn to before me, this *3rd* day

of *November* 1891
Arthur R. Schuchert
Clk. of Court

Thos F Weagher

New York City and County.

0886

1
New York Supreme Court.

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK, EX REL.,
Bernard Curtis
AGAINST

2 JOHN DOE AND RICHARD ROE, and others, all of whose
names are unknown, Inspectors of Election in and for the
7th Election District of the *2nd*
Assembly District of the City of New York.

On reading and filing the affidavit of *Bernard Curtis* the relator above
named, dated the 3d day of November, 1891,

Ordered that John Doe and Richard Roe and all others whose real names are unknown but
who constitute the Inspectors of Election in and for the *7th* Election District of the *2nd*
3 Assembly District of the City of New York, show cause before me or such other Justice of the
Supreme Court, *PM* may be in attendance at the County Court House, New York City, at the hour
of *2 1/2* o'clock this day, why a peremptory writ of mandamus should not issue out of and under the
seal of this Court, directed to the said John Doe and Richard Roe and others, Inspectors of Election
in and for the *7th* Election District of the *2nd* Assembly District of the City
of New York, and any other person or persons in charge of said Election District, commanding and
requiring them forthwith to permit *Bernard Curtis* *PM* be compelled to
the relator to vote in the manner provided by law and that you accept, receive and deposit said
ballot when properly prepared in the ballot box for the reception of ballots voted by voters.

Cause being shown, service of this order and of the accompanying affidavit on which it is
4 granted may be made less than eight days, and it is hereby directed that the same be served on or
before *2* o'clock *PM* of this day.

Dated New York, November 3d, 1891.

Alm R. Lawrence.
J.S.

5 In the matter of the application of
for a Writ of Peremptory Mandamus.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss. :

Bernard Curtis being duly sworn, deposes and says :
That he resides at *4 James Street* in the *7th* Election
District of the *2nd* Assembly District, of the City of New York, and is
a duly registered voter in that District, and is likewise a duly qualified voter in and for the said
6 Election District of the City, County and State of New York ; that deponent on this 3d day of
November, 1891, attended at the said Election District and asked to be permitted to exercise his
right to vote. That John Doe, Richard Doe and others, all of whose names are unknown
to Deponent, are the Inspectors of Election in said District, but said Inspectors refused to allow
deponent to vote in the manner provided by law.

*Said Deponent having destroyed one of
his ballots given him by said Election
Officers, he demanded a new set which
was refused, said ballot having been
destroyed accidentally in trying to affix
a paper*

That by reason of the matters aforesaid, deponent has not cast any ballot and has been
prevented from exercising his right of suffrage.

8 Deponent asks for an order to show cause why he should not have a peremptory writ of
mandamus, commanding the said Inspectors to perform their duty in the premises, and permit him
to vote, as required by law ; and he asks that an order to show cause be made returnable at once, or
within an hour, to the end that deponent's rights in the premises may be determined before
it be too late for him to exercise the right or suffrage because by law the polls in the Election
District wherein deponent has the right to vote are open only from 6 o'clock A. M. until 4
o'clock P. M.

Sworn to before me this 3d }
day of November, 1891. }

Bernard Curtis
Deponent

Henry Brennan
Notary Public
2nd

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK

EX REL.

Bernard Cantor

against

JOHN DOE AND RICHARD ROE INSPECTORS OF ELECTION IN AND FOR THE 7th ELECTION DISTRICT OF THE 2nd ASSEMBLY DISTRICT OF THE CITY OF NEW YORK.

AFFIDAVIT AND ORDER
TO SHOW CAUSE.

David Levant

Attorney for Relator,

200 Broadway
New York City.

C. C. Wagoner, Walker and Centre Sts., N. Y.

Walter Grant

0000

0889

New York Supreme Court,

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

TO

JOHN DOE and RICHARD ROE, and others, all of whose names are unknown, Inspectors of Election in and for the 7th Election District of the 2nd Assembly District of the City of New York.

WHEREAS, it has been shown that *Bernard Curtis* is a duly qualified voter of the City of New York, and is duly registered as such qualified voter in the 7th Election District of the 2nd Assembly District of the City of New York, and that he has offered to vote and to cast his ballot as he is lawfully entitled to, said John Doe and Richard Roe, and all others whose real names are unknown, but who constitute the Inspectors of Election of the 7th Election District of the 2nd Assembly District of the City of New York,

you have refused to accept, receive and deposit the ballot of said relator, though properly prepared, in the ballot box for the reception of the ballots of voters, of all of which we are informed by the affidavit of the said *Bernard Curtis* and the facts stated in which affidavit, after due hearing of said Inspectors, or due notice to them, we have adjudged to be true, as appears to us of record,

Now THEREFORE, we being willing that full and speedy justice be done in this behalf to him the said *Bernard Curtis* as is just, command you firmly enjoining, that immediately after the receipt of this writ,

and that you do then permit him to vote in the manner provided by law, and that you accept, receive and deposit the ballot of said relator in the ballot box for the reception of the ballots of voters, lest complaint shall again come to us by your default; and in what manner this our command shall be executed, make appear to our said Supreme Court, on this 3rd day of November, 1896, at 3 o'clock, at the Court House, in the City of New York, then and there returning this our writ.

WITNESS,

Alm R Lawrence

One of the Justices of the Supreme Court of the City of New York, this 3rd day of November, 1896.

Allowed

Robert P. A. [unclear]

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK
EX REL.

Bernard Curtis
against

JOHN DOE AND RICHARD ROE INSPECTORS OF ELEC-
TION IN AND FOR THE 7th ELECTION DISTRICT
OF THE 2nd ASSEMBLY DISTRICT OF THE CITY
OF NEW YORK.

PEREMPTORY WRIT OF MANDAMUS.

David Lubentz

Attorney for Relator,

781 Broadway
New York City.

Almond
John R. Lawrence

Wm. J. Lee
November 3rd 1891

C. G. Burgeyne, Walker and Centre Sts., New York.

0091

TAKE NOTICE, that the within is a copy of this day duly entered herein in the office of the Clerk of the

of New York,

Dated New York, 189

Yours, &c.,

DAVID LEVENTRITT,
Attorney.

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

To
Attorney.

M. Supreme Court.

*The People vs
Bernard Curcio*

against

Samuel Johnson et al

*my affairs and
D. W. Johnson*

DAVID LEVENTRITT,

Attorney for *Relator*

280 BROADWAY,
NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted.

Dated 189

Attorney for

Ret.
 Timothy J. Donovan } Inspectors v 7 El. of 2nd
 Philip C. Rensley } Assembly, Dist.
 John F. Hunt
 Michael J. McCaffrey
 Excluding vote of Horace M. Lower

Witnesses

John F. Hunt
 Michael J. McCaffrey
 Horace M. Lower 227 Park Row
 Abraham S. Levy } - can. & Deventer 286 Bway
 Richard Burke, 48 New Bowery
 Bernard Curtis, 4 James St.
 Rodenberg, Chief Bureau of Elections. -

POOR QUALITY ORIGINAL

DISTRICT ATTORNEY'S OFFICE.
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

the District Attorney

vs.

*Timothy J. Donovan
& Philip C. Reilly*

*Office of Justice
Electron Law*

Dated *Jan 19* 1892

Witnesses, *Horace M. Lower*
227 Park Row

No. *John F. Hunt* Street,
11 James

Michael J. McLaffrey 26 Ave St

No. *Abraham Levy* 280 Broadway
Richard Burke

No. *Bernard Curtis* Street,
48 New Bond
4 James St.

Robert
Bureau of Electric
Police Hdqrs.

0894

C. R. 2003

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

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

To *D. J. Greenstreet* send same *with*
papers about at Department of Justice
of No. *Colony Election* Street *189*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace
in and for the City and County of New York, at the New Criminal Court House on Centre
Street, between Franklin and White Streets, in the City of New York, on the *7-11*
day of *April* 189 , at 10 o'clock in the forenoon of the same day,
as a witness in a criminal action prosecuted by the People of the State of New York, against
Timothy Donovan & Philip Healy

Dated at the City of New York, the first Monday of
in the year of our Lord 189

April
WILLIAM M. K. OLCOTT, District Attorney.

PART I.

THE COURT ROOM IS IN THE SECOND STORY
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court
Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

0895

C. R. 3603

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

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

At 2 o'clock P.M. to see Mr. [Signature]

To George M. Turner
of No. 227 Park Row Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the 2nd day of April 1897, at 2 o'clock in the afternoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Timothy Donovan

Dated at the City of New York, the first Monday of April
in the year of our Lord 1897

WILLIAM M. K. OLCOTT, District Attorney.

PART I.

THE COURT ROOM IS IN THE SECOND STORY
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Court of General Sessions.

THE PEOPLE

vs.

Timothy Donovan

City and County of New York, ss:

Hugh McFadden being duly

sworn, deposes and says: I reside at No.

574 Pearl St

Street, in the City of New York. I am a Subpoena Server in the office of the District Attorney of

the City and County of New York. On the 12th day of April 1897,

I called at 227 Park Row (Columbia Hotel)

the alleged residence of Horace M. Linn

the complainant herein, to serve him with the annexed subpoena, and was informed by

the proprietor of the Hotel that no such person resided there, nor had ever resided there.

The proprietor (Mr. Parley) has been at said address for over twenty years.

No such name appears in the City Directory

Sworn to before me, this

12th day

1897,

of April

William H. Bordenck
Notary Public

Hugh McFadden

Subpoena Server.

Should the case not be called on for assigned in Court, please inquire in the Office about it, and you may save time. If inconvenient to remain, and you please state this early to the District Attorney, Attorney's Office. If you know of more testimony than before the Magistrate, or if a fact which you were not there brought out, please state District Attorney or one of his Assistants.

Court of General Sessions.

THE PEOPLE, on the Complaint of

Abner M. Lomer
vs.

Timothy Donaway

JOHN R. FELLOWS,

District Attorney.

Affidavit of

Aug. M. Jagger

Subpoena Server.

Failure to Find Witness.

0898

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Timothy J. Donovan
and Philip R. Reddy

The Grand Jury of the City and County of New York, by this
indictment accuse Timothy J. Donovan and
Philip R. Reddy of a felony
of the crime of

committed as follows:

Heretofore, to wit: on the third day of November
in the year of our Lord one thousand
eight hundred and ninety-one, there was
held a general election throughout the
State of New York, and on the said day
such general election was duly held in the
Southern District of the Second
Assembly District of the said City and
County of the within name of the said
District duly designated for that
purpose.

And on the day and in the year aforesaid,
at the said election, in the District
District aforesaid, the said Timothy J.
Donovan and Philip R. Reddy, both late
of the City and County aforesaid, together
with John F. Hunt and Michael J. the

John Gray, were Inspectors of Election in and
 for the said Election District, duly chosen,
 appointed and qualified, and acted as such
 at the said election, and as such Inspectors
 of Election the said Timothy J. Donovan,
 Philip R. Barry, John F. Hunt and Michael
 J. McLaughlin then and there constituted
 and were the Board of Inspectors of
 Election in and for the said Election District
 at the said Election.

And on the day and in the year
 aforesaid, at the said Election, one Horace
 M. Sawyer, who was then and there a
 duly qualified voter and elector of the
 said Election District, and lawfully entitled
 to vote at the said Election, in the said
 Election District, personally appeared before
 the said Board of Inspectors of Election
 of the said Election District, at the polling
 place aforesaid, and then and there
 duly tendered to the said Inspectors of
 Election his vote at the said Election.

And the said Timothy J. Donovan
 and Philip R. Barry, as being and
 Inspectors of Election as aforesaid, and
 members of the said Board of Inspectors
 in and for the said Election District, well
 knowing that the said Horace M. Sawyer
 was then and there lawfully entitled to

vote at the said election in the said
 election district, and unlawfully did then
 and there irregularly exclude the vote of
 the said Horace W. Sawyer, so duly
 rendered as aforesaid, against the
 form of the statute in such case
 made and provided, and against the
 laws of the State of Georgia, and their dignity

De Jure,

[Signature]

0901

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dowd, Henry G.

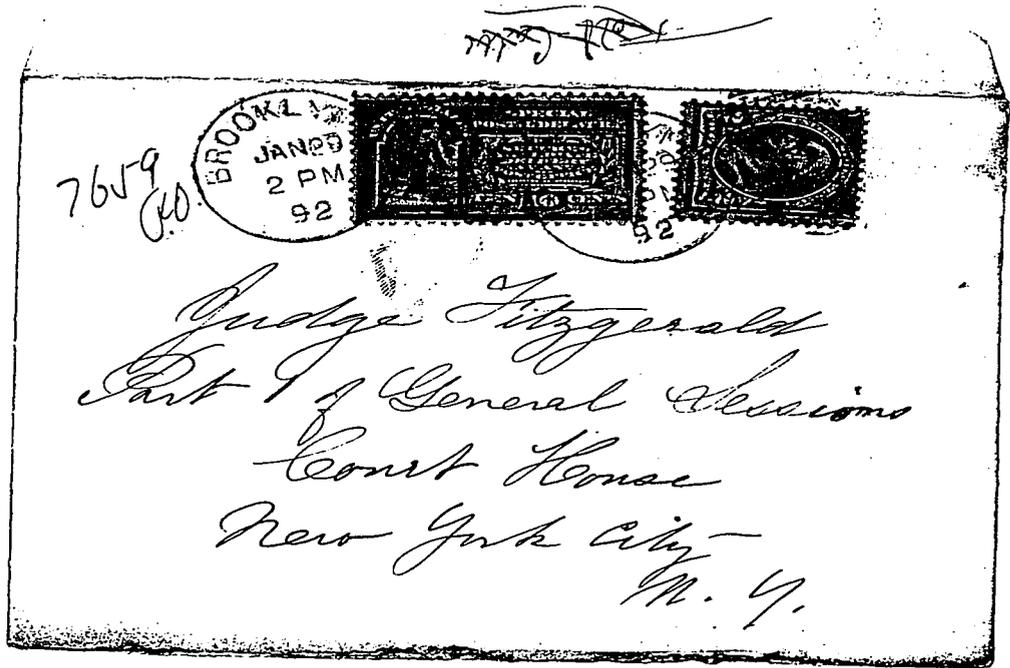
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01/18/92



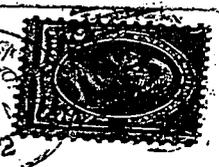
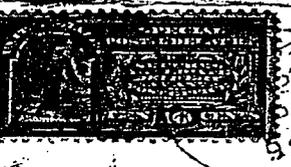
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0903



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C.O.

BROOKLYN
JAN 29
2 PM
92



Judge Fitzgerald
Part of General Sessions
Court House
New York City
N. Y.

THE PEOPLE

vs.

HENRY G. DOWD.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Thursday, January 28, 1892.

Indictment for assault in the first degree.

WILLIAM H. MASTERSON, sworn and examined.

By Mr. Bedford . Q. How long have you been on the police?

A. Since May, 1889.

Q. Previous to January 17 you were a policeman, were you not?

A. Yes. I had special duty, I am now a roundsman, I was made Roundsman on the 19th of January, Capt. Connor is my captain; on the afternoon of January 16 the Captain gave me certain orders; I started out on the 15th of January at half past ten in the evening and stayed out until seven o'clock in the morning of the 16th; I had New Bowery from Chatham Square to Pearl Street for a post, I was walking along on the east side of New Bowery and when I got within fifteen feet of the corner of Rosevelt Street and New Bowery I saw the prisoner Dowd come up Rosevelt Street from the direction of Oak and turn in a northerly direction up to New Bowery in the direction that I was coming from. This was about three o'clock in the morning, he looked at me and I looked at him; there was nothing passed between us, I took it into my head to watch him; I walked across to the southeast corner of Rosevelt and New Bowery and stood in the doorway; in the meantime he had walked up New Bowery toward Madison Street he stood probably fifty or sixty feet from the corner of Rosevelt and then turned around and came back again and went down through Rosevelt Street in the direction of Oak St.

The position where I stood was in a sort of triangular doorway, I could look out on New Bowery and look out on Roosevelt Street, I watched him until he went down half way the block on Roosevelt Street and then I ran down New Bowery into New Chamber and got into the doorway of 56 New Chamber Street which is on the south side; from the position I was in I could see him going through Roosevelt Street, he had probably got a hundred feet away and two or three minutes afterwards a drunken man came along on New Chambers Street from the direction of Pearl Street, he passed the doorway where I stood and kept right on until he got to the southwest corner of Oak and Roosevelt; there is an oyster stand there and this drunken man stood at the stand, he was there probably half a minute when the prisoner came across the street from where he was standing and spoke to him; the conversation lasted probably half a minute or a minute and then the two of them walked together in a northerly direction through Oak Street toward James; when they got on the block between Chamber and James. Dowd left the drunken man and walked ahead of him, probably he let him go fifteen or twenty feet ahead of him and kept that distance until they reached the southwest corner of James and Oak Streets and then he hurried up and caught up with him and walked across, crossing with him till they reached the northwest corner; then they held another conversation; probably it lasted half a minute or a minute and then the drunken man started on an easterly course down through James Street toward Cherry, Dowd waited until the man got across the street and then he started in pursuit.

They kept a distance apart of probably fifteen or twenty feet all the way down James Street until they reached about 36,

and the next thing I saw was Dowd running up to a man and sort of locking in with him and then the next thing I saw was the man drop; I immediately ran down to the spot where the thing happened, I was on the north side of James Street and Dowd shot across to the south side and ran down to Chambers Street; I ran in pursuit and when I got to the corner of Chambers and James, Officer McCrorrey and Kiernan ~~was~~ were on the opposite corner. I says, "come boys, I have got him"; I kept on running and as soon as I got up James St. I fired in the air to attract the attention of the officers the three of us ran up Chambers Street into Batavia into James in the direction of Madison Street; when we got between Madison and James I gave out and they kept right on; by the time I got up to them they came back with the prisoner. I was all out of breath, I did not have a chance to say anything to him at the time, but McCrorrey says to him on the way down. "where is that knife you killed this man with?" He said, "it was no knife, it was a razor." The officer said, "where is it?" He said, "it is in my pocket"; it was in his right hand coat pocket, McCrorrey was on the left hand side, he turned around and pulled the razor out of his pocket, he carried it in his hand. We went down through James to Batavia and through Batavia to Chamber up into the Station House. I was present when McCrorrey took the razor from the pocket; the razor now shown me is the one, and when we came to examine it in the Station House we saw dried spots on it.

Q. Is this man whom you see all bandaged up the man that you have described that the prisoner at the bar followed and then left and then had a conversation with and then followed and

saw him drop?

A Yes sir, that is the man I am sure.

We took him in the Station House and searched him there; we found nothing of any value only a begging letter in his pocket. When we got him in the Station House and asked him again what he cut this man for ---- I believe it was Officer Carter asked him ---- he said the reason why he cut him was that the man jostled up against him and he cut him in self-defence. Probably half an hour afterwards we went back to the cell to speak to him again and he said he never done it at all. I went to try to smell his breath to see if he had been drinking. I says to him, "did not you cut the rest of these men?" He says, "no, I never cut anybody at all."

So then I drew him over to me to smell his breath to see if he had any smell of liquor on him and he had no smell of liquor at all. I brought him in before the Captain when he arrived; they took him in the office and Inspector Byrnes arrived. He looked at his clothes and took off his coat and his coat was all full of blood; there seemed to be a lot of dry blood spots on his coat. Inspector Byrnes asked me in the presence of Dowd my version of the story and I told him. The Inspector asked him his family history and he answered everything. He asked him about his father, his uncle and his aunt and where they were born and where he was born and he seemed to answer all the questions. The Inspector ordered us to take the clothes off him, we took his shirt off. a white shirt. the bosom was all full of fresh blood and the sleeves of his shirt was full of dry blood. How long was that after you saw this man fall? Probably about five hours. The prisoner was taken to Headquarters I believe, I was up at Headquarters and my

statement was taken from me; I went over to Court and had him committed.

CROSS EXAMINED.

I never knew Dowd before that morning. In pursuance of instructions from Capt. O'Connor I was detailed to certain work in civilian's clothes; the first time I saw the defendant was at three o'clock on Sunday morning, January 17; he was not dressed as he is now, he had an overcoat on.

I know now where the defendant lives; when I first saw him he was coming from an opposite direction from his home.

I watched him going down through Rosevelt Street, I did not see Miller at that time but I saw him five minutes afterwards, I had been following the defendant about ten minutes before I saw him assault Miller. When I first saw Dowd running I was about a hundred or one hundred and twenty-five feet away from him, he ran about four blocks and a half before he was apprehended, I did not see anybody club him but I saw Officer McCrorrey punch him in the face with his fist.

The officer took the razor out of his pocket. When the defendant got to the Station House he was covered with blood.

Miller when taken to the Station House was just conscious enough to tell where he lived and his occupation, he could not answer all the questions. Officer Carter asked the defendant why he cut this man and he said he did it in self-defence. he said the man jostled up against him and he cut him. The defendant was not under the influence of liquor.

I noticed Miller's condition when he was brought into the Station House, he was brought in from the door into the back room and the ambulance was immediately sent for.

0909

JAMES H. McCORREY, sworn.

I belong to the fourth precinct under Capt. O'Connor and I received instructions from him on the 15th of January and started out at 10.30 in the evening. I saw nothing of any account on the first night; on the 16th I was stationed at the corner of Water Street and James Slip, about five minutes to three in the morning of the 17th I walked up towards Cherry Street and Officer Kiernan was coming down New Chamber Street, he called me over and we went through Cherry Street, we searched some hallways and about five minutes afterwards I saw the complainant. I saw Dowd turning from James St. into Chamber Street and Officer Masterson after him, Officer Kiernan and I started in pursuit and Kiernan sent out two or three alarm raps and I fired a shot in Chamber Street, Dowd turned into Batavia and James Street and Kiernan and I after him, I fired another shot in James Street, he was still running towards Madison Street and we after him; as he turned Madison Street we were closing up on him and Officer Busted I believe was standing at the corner of New Bowery and Madison, he heard the shots and rapping, he was coming down and I ran Dowd into Busted's arms; in the meantime ten or fifteen officers came, I placed Dowd under arrest and told them to look around for a knife or razor; I asked Dowd what he cut the man there for and he says, "I done it in self-defence"; he walked toward James Street, I asked him where the razor was; he said he had it in his pocket, I was on his left side, I took the razor out of his right coat pocket. The razor now shown me is the one. There was some fresh blood and some stale blood on it. We walked down to

see if the man was there and in the meantime the man had gone to the Station House, I brought Dowd to the Station House.

He said there "I done it in self-defence", something to that effect. We took his coats off and on his shirt sleeve there was some stale blood stains on his right arm, they might have been two or three days or a week old; there was a little fresh blood on his shirt bosom.

CROSS EXAMINED.

I have known Dowd about eighteen months, I live across the street from him, I have seen him around the neighborhood, I was standing at the time I saw Dowd running at the corner of New Chamber and Cherry Street. I fired the shot and called for the defendant to stop, he paid no attention to it but went faster, I fired three shots altogether, the defendant ran about five blocks before he was apprehended, I kept him in view until I ran him into Officer Busted's arms. I struck the defendant with my fist, Officer Busted did not do anything to him, I did not see anyone strike him on the head; I knocked him down, he did not offer any resistance when I put him under arrest. I had a conversation with the defendant. he was sober enough. I said to him, "you live in New Chamber Street", and he said "yes, I know you, you live there." I says, "why didn't you stand when you heard the shots?" He says, "they did not hit me." I asked him what he cut that man for and he said "he bumped up against me and I done it in self-defence." I asked him for the knife or razor. He said, "I have got it in my coat pocket." I reached over to his right hand coat pocket and took the razor out. I then took him down to

the Station House. When I got there Miller was at the Station House; when the defendant got to the Station House there was a little blood on the front of his shirt. He said there there was no use of going to any trouble, "I cut the man, I done it in self-defence. Miller was sent to the hospital as soon as the ambulance came. I saw where Miller was cut, he was cut almost from ear to ear; I was not in the Police Court the next morning when the defendant was arraigned. The Inspector had a conversation with the defendant at headquarters but not in my presence. I went into the Inspector's private office afterwards and I asked Dowd about this Carson who was killed in Christie Street, found dead in Christie Street. At first he denied it, and I says to him, "it is very strange you seem to be cutting Germans all the time." He said, "every time I see a Dutchman my blood boils and I can't resist it." I said to Dowd, "how did you know Carson was a German?" He says, "I looked at him twice, I have got very good eye-sight." So I says to him, "how about this fellow in Oliver Street, how did you know he was a German?" He says, "I looked at him twice"; I said, "could not you be mistaken?" He said "no, I am a pretty good judge." I asked him about the man in Mulberry Street and he gave me the same reply, that he was sure he was a German for he looked at him twice. I says "it is very strange you seem to have such a grudge against Germans", and he started to tell me when he was a boy there was a German came to his house and assaulted his mother and he has been looking for that man ever since. This statement was made in the presence of Capt. O'Connor and Capt. McLaughlin.

Officer Masterson brought him to Court next morning and a charge was made against him.

09 12

EDWARD KIERNAN, sworn and examined.

I am an officer of the fourth precinct and was on duty on the night of the 16th of January; about ten minutes to three on Sunday morning, January 17, I saw the defendant between Oak Street and the New Bowery, he was walking alone, I turned around and watched him, my attention was attracted to him by the twist^{ing} of his head from one side to the other, looking as if he was watching around to see somebody, he stood on the corner of New Bowery and New Chamber Street about two minutes and turned around and went down New Chamber Street on the south side in the direction of Cherry Street; I stood in the doorway and watched him, I followed him down until he came near Cherry Street and I lost track of him at the corner of Cherry and New Chamber; I met Officer McCrorrey then at James Slip and he went through Cherry Street in the direction of Rosevelt and searched each side of the street; we returned back to the corner of New Chamber and Cherry on the southwest corner, we stood there three or four minutes and the next I saw was the defendant running around from James Street up New Chamber on the north side and Officer Masterson in pursuit; Officer McCrorrey and myself joined in pursuit, I rapped with my night stick one single rap and Officer McCrorrey called upon the defendant to stop, he paid no attention but appeared to be increasing his speed; then Officer McCrorrey drew his revolver and fired a shot in the air to attract attention, then I rapped again upon the sidewalk with my night stick and the defendant turned into Batavia Street in the direction of James; then McCrorrey fired the second time in the air and the prisoner turned up

James Street in the direction of Oak; I rapped again with my night stick upon the sidewalk and the prisoner appeared to be increasing speed right along and at the corner of Madison and James Street I rapped again and he turned down Madison Street in the direction of New Bowery and Officer Busted stopped him within fifty feet of New Bowery and Madison St.

We secured the defendant and Officer McCrorrey searched him on the way to the Station House and found a razor in his pocket, it was covered with what appeared to be fresh blood; the prisoner was confronted with Miller and he was asked if he had assaulted him --- the man who had his head cut --- he said yes, that he done it; he was asked why he done it and he said, "because he bumped up against me". On the sleeve of his shirt appeared to me like blood that was dried, that had been there probably three or four days, his bosom was slightly saturated with fresh blood.

CROSS EXAMINED.

I did not see Miller before I saw him in the Station House. I have seen the defendant before this night, I met him twice on New Chamber Street, I recollect meeting him on the morning of the 15th, I believe he lived at 54 New Chamber Street. After he was caught I saw Officer McCrorrey strike him in his face with his clinched fist. I saw the razor taken from his pocket by Officer McCrorrey, I think it was the right side overcoat pocket. The defendant was brought into the presence of Miller in the Station House and he said the reason why he assaulted him was that he bumped up against him. He did not say anything there about self-defence.

0914

EDWARD BUSTEED, sworn and examined.

I am an officer of the fourth precinct. I was on duty on the morning of the 17th of January in uniform. I heard an alarm rap sounding in the direction of James Street. I was on the corner of New Bowery and Madison Street and I saw a man running up James into Madison Street. That man is the prisoner here. I ran after him and headed him off and as soon as I put my hand on him he held up both hands and said, "I surrender". I held him until Officers McCrorrey and Kiernan came up; myself and McCrorrey took him back through Madison to James and down James to Oak Street, when we got to Oak Street Officer McCrorrey asked me where was the knife and he did not answer; I repeated the question and he said "it is in my pocket", the right hand side of his coat pocket; we then proceeded to where we thought the wounded man was lying. Officer McCrorrey searched him and he took the razor out of the pocket that the prisoner said it was in. The razor now shown resembles it, it had blood on it. We were informed that the wounded man was taken to the Station House.

Officer McCrorrey and I hurried up to the station house and as soon as we got him in the station house we took him to the back room where the wounded man was sitting for identification; McCrorrey asked the wounded man if the prisoner was the man who cut him; he said he did not know and just then the prisoner put up both hands, he says, "there is no use going through that, I done it, I admit I done it." He was taken before the desk and his pedigree was taken; he said he lived in 54 New Chamber Street; the Sergeant ordered him to be locked up.

CROSS EXAMINED.

I have been a little over five years in the 4th precinct, I never saw the defendant to my knowledge before the night in question. I should judge the defendant was about a hundred feet from me when I first saw him; this was a clear night and I was standing where I could be seen, I ran towards him and we both met; he was running very slow until I stopped him; the other officers were running, I heard one shot that night. When Officer McCrorrey came up I let go of the prisoner and he put himself in the way I imagined that he was going to hit the officer; the officer turned around and hit him first and he says to me, "catch hold of that hand", and I held it. The defendant did not fall, I do not know how his head was injured, I did not know at the time that his head was injured until I saw a bandage on it here last Monday.

PETER CARTER, sworn and examined.

I am one of the officers of the 4th precinct and was on duty on the 16th of January, my attention was attracted in the early morning of January 17 by a pistol shot, I was on the corner of South Street and James Slip, I started and ran in the direction of the shot, I ran up as far as Batavia Street and by the time I got up there they were bringing the prisoner back, Officers McCrorrey and Busted. Busted said we had better search him and McCrorrey said to Dowd, "where is the knife you cut this man with?" He says, "it is in my pocket", McCrorrey wheeled him around half ways and took the razor out of his right hand pocket, the blade was all wet with blood. When we got to the Station House the

sergeant told us to take him into the sitting-room to see if the complainant could identify him. I said to the defendant, "what did you cut this man for?" And he said, "because he bumped against me."

CROSS EXAMINED.

I have been in the 4th precinct over six years and I never saw the defendant to my knowledge till that morning, I do not know his brother. When I saw the officers have the defendant I saw a slight abrasion on the chin below the lower lip and his eye was bleeding, I did not see his head because he had his hat on.

WILLIAM S. BARLOW, sworn and examined.

I am an officer and was on duty on the morning of the 17th of January, I found William Miller after he was cut between three and a quarter past three o'clock, I was going south toward Cherry on Roosevelt Street at the time I heard the pistol shot I turned around quick and I ran through Batavia Street and I seen Miller sitting on the gutter and with his hand this way (showing) and he had a handkerchief up under his throat and he was bleeding; I shoved his head back and says, "what is the matter?" I seen a gash under his throat and he said, "somebody cut me." I grabbed hold of him and got him on his feet, I put my arm around his waist and ran up Batavia and New Chambers Streets into the station house, I says to the sergeant, "you had better send out an alarm for the ambulance, this man has his throat cut"; I took him to the back room and got cotton bandages and bandaged his throat up. At that time the ambulance had

come and the doctor got hold of him and bandaged him up.

I asked him his name and he said it was William Miller and that he lived at 326 West 3rd Street; I got that out of him and he kind of fainted and went off with his head lying on the side. The prisoner came in before Miller was put in the ambulance. Some of the officers asked Miller if he could identify the man that cut him. Miller was too weak to identify anybody, his eyes were half closed; he nodded and rolled off like a man unconscious. I did not hear the prisoner say anything, I helped to carry Miller out to the ambulance. I went over to the hospital half an hour afterwards; I saw Miller lying on the operation table, he had his throat cut, he was coming to at the time; the doctor gave me his residence as 326 Cherry Street.

CROSS EXAMINED.

I do not know Dowd, it was the pistol shot that attracted my attention, I had the complainant in the Station House between three and five minutes before the defendant was brought in; I did not hear the defendant make any statement. I guess there was about twelve or fourteen people in the room at that time.

On motion of Counsel for the Defendant the Court permitted Dr. Fleming, one of the witnesses for the defence, to be examined out of the order of proof.

WALTER S. FLEMING, sworn and examined.

I am one of the physicians attached to the Flatbush Insane Asylum and have charge of the records. I was not a physician there in 1872 and 1873. I have a copy of the record taken from the books of the inmates of the asylum

0918

during 1872 and 1873 and I find the name of Henry G. Dowd, I have the copy with me and it has been verified by me.

I have been a physician in the Flatbush Asylum since July, 1888. By the memorandum taken from the books I see that a person by the name of Henry G. Dowd was committed to this institution on or about the 14th of June, 1872. and that person was subsequently discharged from the institution as appears from the records in December, 1873; this is the certificate which was on trial in the office.

By Mr. Bedford: Doctor, the man by the name of Henry G. Dowd who was confined in the asylum as a lunatic and who was let go because he was considered cured and the Dowd that came back and escaped, is that the man? (Pointing to the defendant.)

A. That I do not know.

Friday, January 29, 1878.

JOSEPH S. MANNING. sworn and examined.

I am a physician and have been connected with the Chamber Street Hospital as house surgeon for about twenty-two months, I was connected with it on January 17 of this year, I was called to examine a patient early on Sunday morning in the neighborhood of three o'clock, I believe his name was William Miller. Is that the William Miller? (Pointing to the defendant.) It looks like the man. On Sunday morning January 17 Miller was conveyed from the 4th precinct Station House to the hospital and I was called about a quarter to three to the reception ward of the hospital, I found this man lying on a cot. my assistant was tying some of the bleeding arteries, the man was in profound shock and suffering from the loss of blood that he had already lost in the station house. The wound extended from one side of the neck

beneath the ear to the other, it was very deep and the trachea was partly nipped, the wind-pipe; the external jugular on the left side of the neck was also divided; the wound was thoroughly washed with our antiseptic solutions and I believe about twenty-eight or thirty sutures placed in it. The patient was then dressed and stimulated and all done in order to try to pull him through as best we could. I then kept him there all day Sunday owing to his condition being so weak and at twelve o'clock Monday I transferred him to Bellevue Hospital; since then I have not seen the patient till now.

The wound was very serious indeed. If the external jugular had not been caught and the hemorrhage stopped from it the man would have died there from the loss of blood.

As it was, when he came into the hospital I did not think he would get over it, he had lost so much blood, he was so weak from walking that he could hardly talk.

Mr. Bedford: That is the case for the People.

The Counsel for the defence opened the case.

CORNELIUS J. SULLIVAN, sworn and examined.

I am an officer attached to the fourth precinct police under Capt. Connor. I know the defendant since August 29, 1891, I saw him on that day going through Pearl Street and I seen this man (the complainant) coming up in an opposite direction, he was going the same way as I was and I saw Dowd strike this man in the face and knock him down. I went over and caught hold of Dowd and placed him under arrest, he resisted at first, I was in plain clothes and told him I was an officer I brought him to the station house and made a complaint of assault, this man the citizen

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0920

made a complaint, Capt. Connor was behind the desk, I brought him over to the Tombs Police Court and made a complaint there of disorderly conduct against him and Judge Divver gave him ten days, I came back to the station house and Capt. O'Connor told me to go back to the Tombs and tell Judge Divver that he thought this man was insane, Judge Divver sent me downstairs and I told the warden and the warden there had him examined.

I don't know of my own knowledge that the defendant was confined in the insane pavilion at Ward's Island for five days. I saw the beginning of this assault on August 29, the complainant's name was Charles Baum; that complainant gave no provocation for the assault. The prisoner did not use a razor on that occasion, it was his fist.

JOHN J. FLYNN, sworn .

I reside at 406 Second Avenue in this city and know the defendant Dowd. I had never seen him prior to 1887, I saw him in the summer of July, 1887. I left my home about nine o'clock in the evening, I then resided at 409 East 16th Street and walked through Livingston Place to 15th Street and then along Second Avenue until I came opposite 16th St. outside the park, when Dowd jumped out and without a word of warning said, "ah" and caught me in the neck; I wore a high collar at the time and it cut the collar and cut the tie. He then ran along Second Avenue into 15th Street and I chased him and he was caught about the middle of the block in 16th Street between First Avenue and Avenue A. He was arraigned before a police magistrate and subsequently tried upon that assault in the General Sessions, I think before

Judge Gildersleeve, I believe the man got two years and a half on that trial. At the time the defendant assaulted me I had never known him before, I gave him no cause or provocation for the assault and I knew no reason why he should assault me. This defendant rushed up to me and cut me across the throat with a razor. I am employed by the police department on the steamboat squad.

CROSS EXAMINED.

I could not say at the time what it was that he cut me with. At the time that I chased the man when I went through 15th Street there was something thrown away in the street, the sound had a very good ring; I searched for the instrument that night and the next morning but could not find it.

This defendant is the man who was tried here in July, 1887, he gave no defence, he said he seen the crowd running and he followed the crowd, he denied the cutting.

SARAH BRADY, sworn and examined.

I am married and live with my husband at 54 New Chamber Street, I know the defendant Dowd for about two years, he occupied a single room in my house on the top floor, he had no room-mate, his brother called on him but never remained over night with him. He paid me five dollars a month, he had a gas stove and did a little cooking for himself. I recollect the time of his arrest by Officer Sullivan on the 29th of August; I saw the officer with him in New Chamber Street, I went down to the station house to see what he was arrested for and I was told that he was arrested for striking a man in Pearl Street. I said in the station house that I thought the man was an imbecile because he had been

firing shots out of the window; I saw the revolver in his room and brought it to the police station afterwards and gave it to the Captain.

JOHN CLARK sworn and examined.

Before I was locke d up in the House of Detention I lived in Elizabeth. N.J., I recollect the 9th of January, 1892. I was in New York and was in Worth Street at twelve o'clock at night near Mulberry Street, I was walking along going up to Chatham Square; I saw Dowd the defendant in Worth Street at twelve o'clock when I caught him on the corner of Worth and Mulberry Street; he ran up behind me and got in front of me, pushed my head back and cut my throat and then I wandered up as far as Oak Street and after that I did not know nothing more till I was woke up the next morning in Chamber Street Hospital; I gave the man no cause for assaulting me for I had never seen him before in my life, it was a very sharp instrument that he used but I did not see it; he ran down Mulberry Street and I went as far as the corner of Mulberry and Worth and watched him, I saw no officer to make a complaint. I went up as far as Oak Street where the officer found me. so he said. The next thing I remember was being in the Chamber Street Hospital o n Sunday morning, this happened on a Sunday night, I am sure that the defendant is the man who assaulted me.

CROSS EXAMINED.

I am all bandaged up by reason of the cut I got on January 9th, I was alone and was sober but had drank a little, I was sober enough to identify the man; I do not know whether it was a razor or not but I know it was something as

sharp as a razor, I was confined to bed about a week and three days and was taken to Bellevue Hospital where the doctor attended me. The cut was a deep one from back here around to here (pointing), he cut my jugular and all the blood vessels.

RICHARD O'CONNOR, sworn and examined.

I am Captain of the 4th precinct police in Oak Street and have been connected with the police department nineteen years. Prior to the 15th of January, 1892, I had seen the defendant Dowd; about that time I gave instructions to the officers of the precinct in reference to men who had been cut within the bounds of my precinct, I instructed more than ten officers, I have known the defendant by sight since last August; Officer Sullivan who arrest him is one of the officers of my precinct. I heard his testimony here to-day, I instructed him to ask Police Justice Divver to have the defendant examined as to his condition. I recollect meeting the defendant again on the 17th of January, I was in bed when he was brought into the precinct, I learned of the assault on Miller about ten minutes after three on Sunday morning the 17th, I saw him in the Station House about five or six o'clock in the morning, I just asked him his name at that time, I did not want to have anything to say to him then, I seen him about eight o'clock in the morning and told the officer to take him to the court and have him remanded until Monday morning and not to say anything to anyone over there about what he was arrested for except to ask the Judge to have him remanded until Monday morning, I then asked him

as he was going out of the door the question why he cut that man and he said the man bunked up against him and he cut him in self-defence. I said, "why did you cut the other man?"

He says. "I never cut any man in my life, I never harmed a child." That was before he was arraigned before the police Magistrate; I saw him all day that Sunday until four o'clock

I guess I had a hundred conversations with him that day, I had a conversation with him in the presence of Capt. McLaughlin in Inspector Byrnes' office at police headquarters, Officer McCrorrey was present. We all questioned him.

I asked him why he cut those people and he would not answer, he would keep still for about fifteen minutes, he would say, "I never harmed anyone in my life, I never cut anyone in my life and I would not hurt a child." I said, "why did you cut this man last night?" He says, "he bunked up against me in the street and I cut him in self-defence"; and then he would turn around and say that he did not cut him at all, that he had never cut anyone. Then I asked him why he cut the man that was found dead in Chrystie Street or why it was that he cut him; he said that he wanted to kill a German.

He said that he was in a room and he seen a German outrage his mother and he was paralyzed and he could not help her and he made up his mind that he would kill a German. That was his reason for cutting him. I said to him, "you must have had great fun reading the newspapers about the fellows you were slashing?" He then commenced to smile and said he did. I asked him what paper he read it in; he gave me the name of the paper, he said he read The World; he went on talking that way for a half an hour or an hour, you could not get a word out of him, he would sit just in the position he

is now. Captain, from what you heard him say at the time in your opinion was he rational or irrational? Irrational.

I do not know what Clark's nationality is but Miller is a German; all the men who were cut in my precinct were Germans; Clark is not a German but he was not cut in my precinct, there were three cut in my precinct all within the 29th of December; the rest were outside of my precinct, there were eight I believe in all, Miller was cut in my precinct; there is a young man sitting on the back bench with a plaster cross his nose, he was cut in my precinct, he has only got out of the hospital, his name is Lawson, he was cut about the 8th of January.

Inspector Tyrnes asked the defendant some questions in reference to his history in my presence, he asked him his father's name and he said in my presence that he (the defendant) was in the asylum in Flatbush; he said he was in three or four different asylums, he also said he was in State Prison. Did he tell you whether or not he had been in the insane asylum at Taunton, Mass.? No, not that I remember, he might have told me; the only one I remember was at Flatbush, he said he was committed under the name of Dowd, he gave the dates but I did not take any notice of them.

WILLIAM W. McLaughlin, sworn and examined.

I am police captain of the 11th precinct in Elridge Street; prior to the 16th of January I never met the defendant; prior to the 16th of January there was a man named Carson found dead in front of 39 Chrystie Street, his throat was cut from ear to ear. I was transferred from the first

0926

precinct on the 13th of January and that morning there was a man named Christianson came into the station house at Old Slip who had his throat cut, he was a sailor attached to one of the ships on the pier adjacent to the station house and he said that he was cut at the corner of Dover and Water St.

I was in charge of the first precinct and at the very day of my transfer a man named Carson was found dead in Chrystie Street. In pursuance of that I gave certain instructions to some of my officers. I first saw the defendant in Inspector Byrnes' office when Officer McCrorrey and Capt. O'Connor were present; I was appointed on the police in November, 1888.

I was for seven years a detective sergeant at police headquarters and for some time was acting inspector. I was at the Inspector's office 300 Mulberry Street and saw the defendant on the 13th of January. I asked the defendant relative to the cutting of different men, he acknowledged the cutting of different ones, I asked him why he had been cutting these different men for possibly ten days previously since the 29th of December. He said that he was always looking for a German, he wanted to cut a German. I asked him the reason and he said that a German had outraged his mother once and he was in an adjoining room but he was paralyzed and powerless to assist her and since that time he has been looking for a German, somebody that looked like that man. Did he say anything about any men that he had cut having resembled this man? He said every one resembled him; he acknowledged killing Carson; he said that he took his head in his hand twice and looked at him, he was a light complexioned man and that was the reason he killed him, he looked like a German.

From what you saw and from what you heard of him say at

the time, in your opinion was he rational or irrational?

Irrational.

CROSS EXAMINED.

What did he say about killing Carson? I asked him why he killed Carson? He said that he took his head in his hand and looked at him before he killed him, he was a light complexioned man, he thought he resembled the German and he killed him, cut his throat. This happened at 39 Chrystie Street, the man was found in my precinct. Did he tell you any further particulars about killing Carson, how it was done, whether it was done with a razor or not? No sir, he did not, he said he cut his throat.

By Counsel: Did you hear him say during any of those conversations anything about his incarceration in the insane asylum in Flatbush? Yes sir, he said he was there in the year 1872, he was sent there from Brooklyn, that he subsequently escaped and was recaptured and sent back again; he said he was in two or three other asylums, he also said he was in State Prison and on Blackwell's Island. At the request of one of the jurors I want to ask you this question; from what you saw of him and from what you heard him say at the time, in your opinion was he rational or irrational? I answered, irrational.

Counsel: In view of the testimony given by Capt. McLaughlin I now ask the District Attorney to consent to the reading of Defendant's exhibits 1 and 2. The consent was given.

Counsel read the record from the Flatbush Insane Asylum, Exhibit No.1, and also Exhibit No.2 which was a certified copy of the County Clerk's commitment; he also read in

the time, in your opinion was he rational or irrational?

Irrational.

CROSS EXAMINED.

What did he say about killing Carson? I asked him why he killed Carson? He said that he took his head in his hand and looked at him before he killed him, he was a light complexioned man, he thought he resembled the German and he killed him, cut his throat. This happened at 39 Chrystie Street, the man was found in my precinct. Did he tell you any further particulars about killing Carson, how it was done, whether it was done with a razor or not? No sir, he did not, he said he cut his throat.

By Counsel: Did you hear him say during any of those conversations anything about his incarceration in the insane asylum in Flatbush? Yes sir, he said he was there in the year 1872, he was sent there from Brooklyn, that he subsequently escaped and was recaptured and sent back again; he said he was in two or three other asylums, he also said he was in State Prison and on Blackwell's Island. At the request of one of the jurors I want to ask you this question; from what you saw of him and from what you heard him say at the time, in your opinion was he rational or irrational? I answered, irrational.

Counsel: In view of the testimony given by Capt. McLaughlin I now ask the District Attorney to consent to the reading of Defendant's exhibits 1 and 2. The consent was given.

Counsel read the record from the Flatbush Insane Asylum, Exhibit No.1, and also Exhibit No.2 which was a certified copy of the County Clerk's commitment; he also read in

evidence Exhibits 3 and 4; one was a certified copy of a paper in the case of the people against Henry G. Dowd charged with lunacy, filed January 14, 1872 and also a certificate properly attested before the County Clerk in Brooklyn endorsed lunacy, the people against Henry G. Dowd, certificate of physician's evidence, etc. filed January 10, 1874.

ROBERT C. DAVIS, sworn and examined.

I am a practicing physician going on four years in the city of New York; I am a graduate of the University of the City of New York, medical department. Previous to practicing medicine in this city I have practiced in South Carolina. I graduated in 1830 and immediately began practice and practiced till I came to New York. I have made the study of insanity a specialty. I was present in court this morning when the witnesses for the defence were being examined and listened to their testimony. I heard the testimony of Capts. McLaughlin and O'Connor, I have heard read the certificates as filed where the defendant was incarcerated in a lunatic asylum at Faldbush, I made a personal examination of the defendant the day before yesterday at the Tombs but prior to that I had not seen him. From my examination and all that I have heard I believe that Dowd is an insane man and I will add that he has been insane for a number of years. From your examination of the defendant and from the testimony that you have heard by the witnesses and the certificates which have been read, is the defendant in such a mental condition as to understand the nature and quality of an act which he was doing? I do not

believe that he was. Doctor, in your opinion as a medical expert, was his mind in such a mental condition as to properly understand the difference between right and wrong?

I do not believe he was responsible for his acts at that time.

CROSS EXAMINED.

You have had an interview with this man, you have heard all the testimony, you have heard the doctors certificates which were permitted to be read, stating that he had been in the lunatic asylum. from all that you have heard in this case and from your personal interview with this man I now ask you when on the morning of January 17 he cut Miller's throat, did he know he was cutting his throat; was he in that condition of mind as not to know that he was cutting the throat or if he did know that he was cutting the throat was he in such a condition of mind that he did not know it was wrong?

I believe that he knew that he was cutting the throat but I do not believe that he knew that it was wrong. I think he had some sort of an idea that he was cutting a man's throat, I do not think that he knew the extent of the responsibility of cutting a man's throat, I do not believe that he knew that it was wrong.

By a Juror: How does it come that he remembers and could give a straight answer on all other subjects but not on that one?

That occurs in a great many cases of lunacy where there is a delusion, he may be insane on this particular point more than any other point and while he might answer rationally to a certain extent on other matters, he might not answer rationally on this particular point.

By the Court: Doctor, it is not infrequent in cases of lunatics

that on some subjects they appear to give rational answers?
Yes sir.

By Counsel: Is this defendant suffering from delusions?

Yes, evidently. What is his physical condition?

His physical condition is very bad, he is a diseased man nor only in mind but in body; he has a remarkable pulse, number fifty-five when it should be seventy-five to eighty, and from other physical signs that I found I should say he was a sick man. His pulse showed a very low state of vitality. I have not been directly connected with any institutions but for more than ten years I have examined a great many lunatics, I have treated a great many people with nervous troubles, I have examined a great many men and women to be put into asylums and to be treated in private homes and I have been an expert witness a good many times in cases of lunacy.

I was an expert witness in the case of the People against Webster, tried recently in this Court.

By the Court: State to the jury what examination you made of the defendant. I had this man take off his clothes, I examined his heart's action and the rate of his pulse which I have stated was about fifty-five or fifty-six when it should have been from seventy-five to eighty. His temperature was considerably lower than it should be, that is the normal heat of his body was not up to what it should be. He has a very large sore on his leg which probably contains pus which shows that he is in a low state of vitality. I examined his head, mouth and eyes and all show that he is in a very low state of vitality, that he is a weak and sick man now which I am almost sure will increase. His heart's action is very

weak and extremely slow; his temperature is too low; those are very definite points besides his delusions. He told me this story that you have heard to-day, his mother being assaulted and that he could not go to her aid from some indefinite cause the reason I could not devine and that he has been looking for that German ever since that time, that he wanted to get even with him. He told me also of two surgical operations that were performed. one on Thursday where he said there was a piece of decayed bacon taken out ---- one at Bellevue and one at the Charity Hospital --- one at one side and one on the other. I examined him to see if there was any result of the operations and asked him where it was taken from and there was nothing there that would indicate that he had any such operations performed.

By Mr. Bedford. If bacon had been taken from his side there would have been a little mark there? There would have been considerable mark. I examined his eyes and they had the evidences that a great many lunatics show, the contraction of the pupils of the eye and a peculiar squint of the eye that is not normal.

By a Juror; I would like to know the reason that his pulse is not normal, if that has anything to do with his mind, if that has a tendency to weaken his mind? Yes, any person in a very weak state of body is necessarily weaker in mind, that is, any person in a very low state of physial being is as a rule correspondingly depressed or diseased in mind.

By another Juror: Is it possibly for a lunatic to pick out the nationality of a person. looking at the face? I do not think it would take a great deal of knowledge to pick out a man of a certain nationality in this city, I think he had

enough sense to know if the man was a German or not. A man with such a weak heart as the prisoner has might run quite rapidly. A person with a cold body, cold legs, arms and hands, is he normal? I have seen persons with cold feet and cold hands that I thought were reasonably healthy.

By Counsel: The symptoms you have spoken of taken in conjunction with the delusions that you have spoken of and the fact of his former incarceration in the insane asylum at Flatbush and your personal examination leads you to the opinion that you have already expressed? A. Yes sir.

By a Juror: Doctor, you have said that you thought that at the time he committed the act that he was not aware that it was a wrongful act, would the fact that on all those occasions he ran promptly, would that be any index as to whether he considered the act as right or wrong? I do not think that would prove to the contrary. That would be consistent with an unsound mind in your opinion? Yes sir, it would be consistent.

The Jury rendered a verdict of not guilty on the ground of insanity at the time of the commission of the offence.

0934

Testimony in the
case of

Henry G. Dowd

filed

Jan.

1892

170 Ga

Court of General Sessions of the Peace,
HELD IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE ON THE COMPLAINT OF

PART.....

vs.

OFFENCE,

Henry David

Assault

CITY AND COUNTY OF NEW YORK, ss.:

Jacob Von Gencarten being duly sworn, deposes and says: *That he is a Detective Sergeant*

That he is a Police Officer attached to the *Clark* Precinct That *John Clark* is a material and necessary witness on behalf of the People herein. That deponent is informed and verily believes that the said *John Clark* will not appear to testify when required, from the fact that *he is a man of intemperate habits and does not reside in this State but resides at Elizabeth in the State of New Jersey*

Wherefore deponent prays that the said *John Clark* be required to give sufficient security to assure his attendance when required as a witness, or upon a refusal to furnish such security that he be committed to the House for the Detention of Witnesses, until he be legally discharged.

Sworn to before me, this *25* day of *January* 18*96*
Jacob W. Gerich
Henry Young
Notary Public
W.C.B.

0936

It appearing by the within affidavit that there is reasonable cause to believe

that John Clark will not appear to testify, or

cannot be served with the process of this Court when required,

I hereby ORDER that the said John Clark

enter into Recognizance with security in the sum of Five Hundred

Dollars for his appearance as a witness against the said defendant, and it is further

ORDERED, if the said John Clark fail to furnish

such security for his appearance, that he be committed to the house for the

Detention of Witnesses until he give such security or be legally discharged.

Dated New York, July 20 1892

Samuel J. [unclear]
[unclear]
[unclear]

Court of General Sessions of the Peace.

PART.....

THE PEOPLE, ETC., ON THE
COMPLAINT OF

vs.

John P. Fellows

OFFENCE.....

Affidavit and Order to Commit to the House
for the Detention of Witnesses.

John P. Fellows

JOHN P. FELLOWS

District Attorney,

NEW YORK COUNTY.

Filed Jan 25 1912

-----X
The People &c.

Agst.

Henry G. Dowd
-----X

City and County of New York, SS:

John Clark, being duly sworn, deposes and says; that he resides in Elizabeth in the State of New Jersey; that on the 9th day of January 1892, at about the hour of midnight, I was walking through Worth Street, near Mulberry Street, in this city. I had been drinking a little during the evening, but was not drunk. When I had got near to Mulberry Street, a man, whom I afterwards identified as Henry G. Dowd, approached me from behind, and then passed in front of me, and grabbed me by the head, and threw my head back, and cut my throat with a sharp instrument, and ran away.

I immediately went in search of a policeman, and was afterwards taken to the Chambers Street Hospital.

Deponent further says, that he never saw the man who assaulted him before, and that the assault was wholly unprovoked.

Deponent further says that he subsequently identified Dowd at the Bellevue Hospital as the man who had assaulted him.

Sworn to before me this

25th day of January, 1892.

John Clark

Henry W. ...
Notary Public
was

People

Henry G. Bond

of the
affiliated with
in January 1892
Bond left
Cambridge, Mass.
in 1892
near Muller's

Depts Ex 3 Jan 29/92
 ce

City of Brooklyn } ss
 County of Kings }

Wth A. Little M. D.

of the City of Brooklyn, County of Kings and W. J. Gelfinian^{M.D.}
 of the City of Brooklyn, County of Kings, Physicians, duly
 licensed to practice as such, according to the Laws of
 the State of New York, do hereby certify that we have ex-
 amined into, and are acquainted with the state of
 health and mental condition of Henry G. Howard of the
 City of Brooklyn, in the County of Kings, and that he
 is, in our opinion, insane, and a fit patient to be
 sent to Lunatic Asylum

Dated, this 14th day of June, 1872.

A. Little M. D.

W. J. Gelfinian M. D.

County of Kings ss

The above-named A. Little and W. J. Gelfinian being duly sworn, says that the facts stated in the above certificate by them subscribed are true, according to their best knowledge and belief.

Sworn before us, this 14th day of June, 1872

John Lehman } Justice of the Peace
 Andrew Walsh } The City of Brooklyn

County of Kings ss

Patrick M. Clowd of the City
of Brooklyn, in said County, being duly sworn
says that he is well acquainted with Henry
C. Clowd and that he is disordered in his senses
and has been so for several weeks past; that said
malady is increasing upon him and he is so
disordered in his senses as to endanger his
own person, and the persons and property
of others, if left unrestrained, and that it is
dangerous to permit him longer to go at large
Sworn before us, this 14 day } Patrick M. Clowd
of June 1872

J. W. Lelmar } Justices of the Peace
Andrew Walsh } in the City of Brooklyn

The People of the State of New York
to the Commrs. of the Charities of the County of Kings,
and to any Constable of the said County,

Greeting:

Whereas, upon application of Patrick M. Clowd
of the City of Brooklyn, in our said County of Kings,
it hath been made satisfactorily to appear to us,
two of the Justices of the Peace, of the City of Brooklyn,
in said County, after a full hearing in the matter,
and by the evidence of two reputable Physicians,
sworn and examined under oath before us, that
Henry C. Clowd of the City of Brooklyn, in said
County of Kings is a Lunatic so disordered
in his senses as to endanger his own person
and the persons and property of others, and

0942

State of New York }
COUNTY OF KINGS.

ss.

I, JOHN COTTIER, Clerk of the County of Kings,
and Clerk of the Supreme Court of the State of
New York, in and for said County (said Court
being a Court of Record), DO HEREBY CER-
TIFY, that I have compared the annexed with

the original *Certificate of Physicians
Evidence Etc The People Etc
vs Henry G Dowd a lunatic
filed*

in my office *June 14 1892*
and that the same are true transcripts thereof,
and of the whole of such originals.

In Testimony Whereof, I have hereunto set *my* hand and affixed the seal of
said County and Court, this *27th* day of *July* 1892

John Cottier Clerk.

that it is dangerous to permit such Lunatic to
 go at large. These are, therefore, in the name of
 the people of the State of New York, to command
 you and each of you, forthwith to apprehend
 and carry the said Henry C. Lloyd to the
 Lunatic Asylum at Flatbush, and to deliver
 him to said Superintendents, together with
 this precept, and you, the said Superintend-
 ents, are hereby commanded to receive the
 said Lunatic into the said Asylum, and
 keep therein to detain until discharged
 therefrom by due course of law.

Given under our hands, at the City of
 Brooklyn, this 4th day of June, 1872.

D. M. DeLmar } Justice of the Peace
 Andrew Walsh } of the City of Brooklyn

Lumay
The People

No.

Henry G. Lloyd

Certificates of
Physicians, Surgeons, &c

Filed Jan. 14, 1872

0944

Depts Ent u Jan 29/92
we

Town of Flatbush } ss
County of Kings }

We, P. L. Schenck M. D.
of the Town of Flatbush, County of Kings, and J. H. Ward M. D.
of the Town of Flatbush, County of Kings, Physicians, duly
licensed to practice as such, according to the
laws of the State of New York, do certify, that we
have examined into, and are acquainted with
the state of health and mental condition of Henry
S. Dowd of the Town of Flatbush, in the County of
Kings, and that he is, in our opinion, insane and a
fit patient to be sent to a Lunatic Asylum.
Dated this 27 day of December, 1873.

P. L. Schenck M. D.

J. H. Ward M. D.

County of Kings ss.

The above named P. L. Schenck M. D. and
J. H. Ward M. D. being duly sworn, says that
the facts stated in the above certificate by them
subscribed are true, according to their best knowledge
and belief.

Sworn before us, this 27 day of December, 1873.

Peter Pigott } Justices of the Peace
Eli H. Steers } Town of Flatbush

County of Kings ss.

Armand Koerfer
of the Town of Flatbush in said County, being duly sworn
says that he is well acquainted with Henry G. Cloud and
that he is disordered in his senses and has been so for
some time past, that said malady is increasing upon him
and he is so disordered in his senses as to endanger his own
person, and the person and property of others, if left un-
restrained, and that it is dangerous to permit him
to go at large

Sworn before us, this 27. day of December 1873 }

Peter Pigott } Justices of the Peace
Ebe H. Steers } of the Town of Flatbush

The People of the State of New York.

To the Commissioners of Charities of the County of Kings, and to any
Constable of the said County, Greeting:

Whereas, upon the application of Armand Koerfer of the
Town of Flatbush, in our said County of Kings, it hath
been made satisfactorily to appear to us, two of the Justices
of the Peace, Town of Flatbush, in said County, after a full
hearing in the matter, and by the evidence of two reputable
Physicians, sworn and examined under oath before
us, that Henry G. Cloud of the Town of Flatbush, in said
County of Kings, is a Lunatic so disordered in his senses
as to endanger his own person, and the persons and property
of others, and that it is dangerous to permit such
Lunatic to go at large. These are therefore, in the name of the people
of the State of New York, to ear command you and each
of you, forthwith to apprehend and carry the said

0947

State of New York,
COUNTY OF KINGS.

ss. I, JOHN COTTIER, Clerk of the County of Kings,
and Clerk of the Supreme Court of the State of
New York, in and for said County (said Court
being a Court of Record), DO HEREBY CER-
TIFY, that I have compared the annexed with

the original *Certificate of Physicians*
Evidence in The People Ex. vs
Henry G. Dowd a lunatic
filed in

in my office *Jan 10 1894*
and that the same are true transcripts thereof,
and of the whole of such originals

In Testimony Whereof, I have hereunto set my hand and affixed the seal of
said County and Court, this *28th* day of *Jan*, 189*2*

John Cottier Clerk.

Chica
2 you,
ive
erem
of Law
29 day
e

0948

Henry G. Cloud to the Lunatic Asylum at Flatbush, and to deliver
him to the ^{said} Commissioners, together with this precept, and you,
the said Commissioners, are hereby commanded to receive
the said Lunatic into the said Asylum, and him therein
to detain until discharged therefrom by due course of Law.
Given under our hands, in the Town of Flatbush, this 29 day
of December 1873.

Peter Pigott } Justices of the Peace of the
Ebbe H. Steers } Town of Flatbush

Lunacy

The People

vs

Henry G. Cloud

Certificate of Physicians,
& Evidence, &c

Filed Jan'y. 15, 1874

0949

Supreme Court,
Judges Chambers
New York, Aug 27 1892

Dear Ed

The enclosed note
was received by me this
morning, and if possible I
would like to accommodate
Mr. Bun, who is an old friend.
If you can conveniently send
me a pass for him, you
will greatly oblige

E. J. Haller

Yours
David Lee

0950

Manhattan Safe Deposit and Storage Company,

WM. H. APPLETON, PRESIDENT.

A. H. WELCH, VICE-PRESIDENT.

JOHN J. PULLEYN, SECRETARY.

346 & 348 BROADWAY, Cor. Leonard Street.

Safes to rent from 10 to 200 dollars per annum, or can be rented by the day, week or month,
Storage for Securities, Silver Ware, Jewelry, Paintings, Trunks, Valuable Papers,
Raw Silks, Old Business Accounts, Etc.

New York, *Jan* 29 1892

Dear Dave:

Could you manage to get admission for two ladies to the Harris trial before Recorder Smyth?

My wife & her mother are anxious to go and neither one of them have ever been inside of a court room.

If you could give me a note to the doorkeeper they could go down by themselves or if you could say what hour and where to find you, you could take them over yourself. If this is not too much to ask of you; they would like to go down tomorrow or if court is not held Saturday or Monday morning; Thanking you in advance for your trouble I am

Yours Sincerely
Geo. W. Burr

To
Hon. S. J. Lee
County Court House
N. Y.

City and County }
of New York }

William H. Masterson a police
officer of the 4th Precinct being
duly sworn deposes and
says that on the 17th day of
January 1892 while on duty
he saw Henry G. Round at
90 James Street in front of
said premises in the City and County
and feloniously Assault one
William Miller by cutting the
said Miller across the throat
with a ^{knife he then hid in his hand} razor inflicting a
serious and dangerous wound
and said Assault was committed
with the felonious intent to take
the life of said William Miller
Wherefore this deponent prays that
the said Henry G. Round be dealt
with according to Law.

Sworn to before me
this 18th day of Jan 1892 } William H. Masterson
J. H. Masterson
Comptroller
at New York

69

People
" "

Men & Board

Baroness's

Martin's

Lebanon
~~Lebanon~~

0953

To Judge Fitzgerald

Dear Sir

In your judgment
of the unfortunate lunatic
now on trial for "assault
in the first degree" please
bear in mind the following
facts which heretofore, you
have probably not known.
Henry G. Dowd was not
born of or among the
criminal classes; up to the
age of twenty-two he was
a bright, amiable youth.

0954

At that time he was stricken down by typhoid fever of a malignant type; it resulted in his permanently losing his reason. His father had been insane before he died fancying himself to be Sir Isaac Newton. His grandfather died in an English lunatic asylum.

Both parents were well-born, especially so his mother, & both were well educated. Henry received a good education and was brought up under

good influences. After he
lost his reason and his mother
had died he drifted into worse
and worse mental conditions
and into lower and lower living.
Any insane man would have
become what he is under like
conditions. This was not a case
for timid women to deal with,
so his wealthy uncle should
have come to the rescue and
done his plain unmistakable
duty to his nephew & to the
public. If he had, Henry Dowl
would not have become an irrespon-
sible criminal. I have learned
these facts from undoubted sources,
I feel it my duty to confide them
to you, although I must withhold my
name.
Truth

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Henry G. Dowd

The Grand Jury of the City and County of New York, by this indictment, accuse
Henry G. Dowd
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Henry G. Dowd*
late of the City of New York, in the County of New York aforesaid, on the *17th*
day of *January* in the year of our Lord one thousand eight hundred and
ninety-*two*, with force and arms, at the City and County aforesaid, in and upon
the body of one *William Miller* in the peace of the said People
then and there being, feloniously did make an assault and *hurt* the said
William Miller with a certain *razor*

which the said *Henry G. Dowd*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,
with intent *him* the said *William Miller*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Henry G. Dowd
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Henry G. Dowd*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
William Miller in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *hurt* the said *William Miller*
with a certain *razor*

which the said *Henry G. Dowd*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

De Lancey Nicoll,
District Attorney

0957

BOX:

463

FOLDER:

4254

DESCRIPTION:

Doyle, John J.

DATE:

01/14/92



4254

0958

Witnesses:

Counsel,

Filed

City of

1892

John J. Doyle

Plends,

THE PEOPLE

vs.

R

John J. Doyle

John J. Doyle

Grand Larceny, *Person*
(From the Person.)
Degree.
[Sections 628, 638
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. DeForest

John J. Doyle
Foreman.

John J. Doyle

John J. Doyle

John J. Doyle

0959

State of New York,
City and County of New York,

§ 1
55.

Calvin D. Hayward

of No. *234 West 127* Street, being duly sworn, deposes and says,

that *John F. Doyle* (now present) is the person of the name of

another person mentioned in *the* *Edwin Coe*'s affidavit of the *12th*

day of *July* 18*91*, hereunto annexed.

Sworn to before me, this *29* day of *December* 18*91*, *Calvin D. Hayward*

[Signature]
POLICE JUSTICE.

0960

Police Court 2nd District.

Affidavit—Larceny.

City and County } ss:
of New York,

Edwin Coe.

of No. 20 Bank Street, aged 71 years,
occupation Clerk being duly sworn,

deposes and says, that on the 27th day of June 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

One Vest Chain and one
locker the whole valued at
about \$3⁰⁰

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by John P. Clarkson (now here)

and another person (not here) from
the fact that deponent was walking
on West 13th Street this City on said date,
that deponent was suddenly startled
feeling someone pulling at his watch
chain. That deponent saw the defendants
who had stolen said chain and attempted to
catch hold of deponent when deponent
was struck by the unknown person and
knocked down. Deponent is informed by
Joseph Jones that he saw deponent
when he was lying on the sidewalk after
being knocked down, and that he saw
two men running away. That he has

Sworn to before me, this _____ day

189

Police Justice.

Since identified the defendant as one of the persons he saw running away on said date, defendant therefore charged the defendant with having stolen from the person said property and from that he wished to answer

Sworn to before me }
this 12th day of July 1891 }

Edwin Hoar

[Handwritten signature]

Police Justice

0962

Sec 198-200

CITY AND COUNTY OF NEW YORK

District Police Court

John J. Doyle

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

Question. What is your name?

Answer. *John J. Doyle*

Question. How old are you?

Answer. *26 years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *374 West 16 Street, 2 years*

Question. What is your business or profession?

Answer. *Blacksmith Helper*

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

Answer.

I am not guilty

John J. Doyle

Taken before me this day of December 1911

29

[Signature]

0963

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation Police Officer of No. 9th
Princi Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edna Co.
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12 day of July 1891 } Thomas Burleigh

[Signature]
Police Justice

[Handwritten scribble]

0964

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 11 years, occupation School Boy of No. 163
W 13th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edwin Coe
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12 day of July 1889, Joseph Young

[Signature]
Police Justice.

0965

Sec. 198-200

2 District Police Court

CITY AND COUNTY OF NEW YORK

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

Question. What is your name?

Answer. *John P. Clarkson*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *No longer*

Question. What is your business or profession?

Answer. *Baker*

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

Answer. *I am not guilty*
J. P. Clarkson

Taken before me this
day of *July* 1897
[Signature]
Police Justice

0966

TORN PAGE

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

Dr. Friedman
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated *July 12* 18*91* *[Signature]* Police Justice.

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

John J. Doyle
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated *December 29* 18*91* *[Signature]* Police Justice.

I have admitted the above-named.....

Dated..... 18..... Police Justice.

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

Dated..... 18..... Police Justice.

0967

#97 July 3
Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edwin Cox
20 Bond Street
1 John P. Clark
2 John J. Dyer
3
4

Offence
Mm. of Person

Dated July 12th 1891
Hogan Magistrate.
Hunt & Burleigh Officer.
9th Precinct.

Witnesses
Wesley Young
No. 163 W 13th Street.
Frederick Brown
No. 163 W 13th Street.
Officer Burleigh
9th Precinct.

No. 1000 to answer
\$1000
Cm
RECEIVED
JUL 13 1891
ATTORNEY

BAILED.

No. 1. by _____
Residence _____ Street.

No. 2. by _____
Residence _____ Street.

No. 3. by _____
Residence _____ Street.

No. 4. by _____
Residence _____ Street.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
John J. Duff

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

John J. Duff
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *John J. Duff*,

late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *June*, in the year of our Lord one thousand eight hundred and
ninety-*one*, in the *day* time of the said day, at the City and County aforesaid,
with force and arms,

one chain of the value of
fifteen dollars, and one lot of
the value of fifteen dollars,

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

Edwin Coe
Attorney

0969

BOX:

463

FOLDER:

4254

DESCRIPTION:

Dwyer, Denis J

DATE:

01/14/92



4254

Witnesses:

1815
Counsel
Filed
Pends,
James M. [Signature]
1892

THE PEOPLE
vs.
Dennis J. Dwyer
James M. [Signature]

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

Spred [Signature]
DELANCEY NICOLL,
District Attorney.
11 [Signature]
Discharged on his own recognizance

A TRUE BILL.
[Signature]
Foreman.

May 26, 1892
[Signature]
June 22nd 1892
[Signature]

0971

TORN PAGE

Sec. 198-200

2 District Police Court

CITY AND COUNTY OF NEW YORK

Devis J. Sawyer

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

Question. What is your name?

Answer.

Devis J. Sawyer

Question. How old are you?

Answer.

32 yrs

Question. Where were you born?

Answer.

U.S.

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

Answer.

339-N-35-2F 6 months

Question. What is your business or profession?

Answer.

Carpenter

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

Answer.

I am not guilty

D. J. Sawyer

Taken before me this day of *Jan* 189*7*

0972

Police Court 2 District.

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

Carl Woelky

of No. 454-N-40 Street, aged 42 years,
occupation Saloon Keeper being duly sworn

deposes and says, that on the 1 day of January 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Deris J. Dwyer (now her) who cut and stabbed deponent three times on the left hand with a knife which he the defendant then and there held in his hand

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 2 day of January 1892 } Carl Woelky

[Signature] Police Justice.

0973

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

Defendant

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

Dated *Jan 7* 18 *92* *[Signature]* Police Justice

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

Dated..... 18..... Police Justice.

There being no sufficient cause to believe the within named.....

..... guilty of the offence within mentioned. I order h to be discharged.

Dated..... 18..... Police Justice.

Police Court--- 2 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Carl Koelky
1154 W. HOCA St
1 Dennis J. Dwyer

1674
Offence
Johnnie Armand

Dated Jan 2 1892

Dwyer Magistrate
Stephenson Officer
20 Precinct

Witnesses Mr. Kleeve

No. 522 W. 4th Street

Mr. Rook 576 11th St

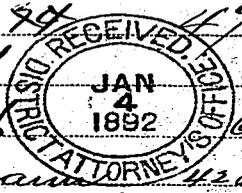
No. Mr. Dusch 690 10th St

G. Ottmann 428 W. 39th St

No. 500 to answer G.S.

\$ 500 to answer G.S.

Carr
1022A



BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dennis J. Dwyer

The Grand Jury of the City and County of New York, by this indictment, accuse
Dennis J. Dwyer
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Dennis J. Dwyer*
late of the City of New York, in the County of New York aforesaid, on the
day of *January* in the year of our Lord one thousand eight hundred and
ninety-*two*, with force and arms, at the City and County aforesaid, in and upon
the body of one *Carl Woelky* — in the peace of the said People
then and there being, feloniously did make an assault and *him* the said
Carl Woelky with a certain *knife*

which the said *Dennis J. Dwyer*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *Carl Woelky*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Dennis J. Dwyer
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Dennis J. Dwyer*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Carl Woelky — in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Carl Woelky*
with a certain *knife*

which the said *Dennis J. Dwyer*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

De Lancey Nicoll,
District Attorney