

0774

**BOX:**

463

**FOLDER:**

4254

**DESCRIPTION:**

Dale, John

**DATE:**

01/29/92



4254

0775

Witnesses:

Albert Lachman  
Wm. M. Adams  
Geo. Richmond  
Wm. R. Price

Counsel,

Filed

Pleads,

1892

THE PEOPLE

vs.

7

John R. Dale

Grand Larceny,  
Degree,  
Penal Code.]

De LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Chas. J. DeForest

Foreman.

July 1/92

Leads V. J. J. J. J.

Elmira, N. Y.  
July 4/92

4

0776

CITY AND COUNTY OF NEW YORK. ss.

POLICE COURT,

DISTRICT.

of No. 611 Street, aged 29 years,  
 occupation Police Officer being duly sworn, deposes and says  
 that on the 29 day of December 1891  
 at the City of New York, in the County of New York.

Thommas F. Armstrong whom  
 is a material witness for  
 the People against John H. H. H.  
 charged with Robbery.  
 Wherefore deponent prays  
 the said Armstrong be ordered  
 to find surety to appear

Michael H. Carroll

Sworn to before me this  
29 day of December 1891

[Signature]  
 Police Justice.

0777

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

Police Court—First District.

of No. 244-6-119<sup>th</sup> Street being duly sworn, deposes  
and says, that on the 28 day of December 1891  
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 Refrigerator

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 living, for the  
reasoning following to wit: at  
the hour of 8 o'clock P.M. on  
said date this defendant took  
deponent to the ground and  
whilst he held deponent down  
and take said money from the  
pocket of the trousers then  
worn by deponent.

J. J. Armstrong

Sworn to, before me, this

day

of December 1891  
J. J. Armstrong  
Police Justice.

0778

**CORRECTION**

0779

**BOX:**

463

**FOLDER:**

4254

**DESCRIPTION:**

Dale, John

**DATE:**

01/29/92



4254

0780

Witnesses:

Albert Lockman  
Mr. W. Adams  
Geo. Richmond  
Wm. Price

Counsel,

Filed

Pleads,

1892

THE PEOPLE

vs.

T

John R. Dale

Grand Larceny, 1st Degree.  
[Sections 628, 629, Penal Code.]

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. De Forest

Foreman.

July 1/92

Leads C. J. Dale

Elmhurst, Cal.

July 4/92 P.S.M. 4

CITY AND COUNTY OF NEW YORK } ss.

POLICE COURT, DISTRICT.

Frank S. Price

of No. 6 Greenwich Street, aged 29 years,  
occupation Police officer being duly sworn deposes and says,  
that on the 25 day of January 1892  
at the City of New York, in the County of New York, he exhibited

Sworn to before me, this

of January 1892  
Police Justice.

John Lane (now here) charged with  
Forgery on the complaint of  
Albert Jackson & that William  
Harris and William Adams are  
necessary and material witnesses  
against said defendant, & defendant  
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 in default of  
Frank S. Price

0782

Police Court

District

Affidavit—Larceny.

City and County }  
of New York, ss:

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 Bales of whiskey in bond  
 550 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 Canada  
 Being in all together of the value of

Forty thousand Dollars

the property of

Deponent and Hon. R. Beyer  
 Capotners 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 Hall (now here)  
 for the reasons following to wit, That  
 on said day said property was in  
 a vault in the safe in said premises  
 which was locked by means of a key  
 and deponent is informed by Edward  
 Merrier a clerk in the employ of deponent  
 that on said day said defendant came  
 into said premises and locked him for  
 some samples of wine, and that said  
 Merrier left said defendant 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 defendant run out of  
 said store. Deponent is further informed

Present before me, this 18th day of December 1891  
 Notary Public.

by Joseph Rebecan a porter in defendant's employ that he saw said defendant run <sup>out</sup> of the said store and defendant then went to the safe where said property was and found the same unlocked and said property gone. Defendant 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 on a piece of chewing gum and gave the same to said defendant, and on the 17th day of December 1891, said defendant came to ~~rebecan~~ 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 said defendant would get into trouble wherever said defendant gave said Adams a package of papers and said Adams wrapped them up and addressed them to defendant. Defendant 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 Fushman  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

189

25  
January

Isaac Weiner

Solomon B. Seibert

Police Justice.

0785

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 28 years, occupation Porter of No. 26

Blum Street, being duly sworn, deposes and

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

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

Sworn to before me, this

day of

Jan 1897

Joseph Kelman

Solomon B. Sussman

Police Justice.

0786

CITY AND COUNTY }  
OF NEW YORK, } ss.

1872

aged 18 years, occupation Manager of No.

143 Bridge 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

day of January 189 25

Wm. H. Adams  
John B. Smith  
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 under-  
signed according to law, on the annexed charge; and being informed that it is h right to  
make a statement in relation to the charge against h that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

*John R. Dale*  
I depose before me this  
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 *Jan 25* 18 *92* *Edmond B. Smith* 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.

0789

Police Court---

District.

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

*Robert Jackson*  
26 Elm  
*John L. Rice*

103  
Officer

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

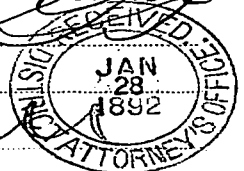
Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *January 25* 188*9**Smith* Magistrate.*Shumer & Price* Officer.*6* Precinct.Witness *Isaac Werrin*No. *26 Elm* Street.*Joseph Reiman**26 Elm* Street.*Thomas Harris and Wm N**Andrews to the House of**Detention in default of**\$500 surety John B. Smith**Police Court**1500* to answer*Co*

# 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,

*With* within instruments of the kind known as warehouse receipts, (a more particular description thereof is to the Grand Jury aforesaid unknown) of the value of fifty dollars each, three stock certificates bearing 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 the Grand Jury aforesaid unknown) of the value of twenty five thousand dollars, ten bonds and within obligations of another corporation known as the Puget Company (a more particular description thereof is to the Grand Jury aforesaid unknown) of the denomination and value of one thousand dollars each, and within instrument 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 the Grand Jury aforesaid unknown) of the value of three thousand dollars, of the goods, chattels and personal property of one Albert Sadaman,

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*

*John A. Dale*

0791

**BOX:**

463

**FOLDER:**

4254

**DESCRIPTION:**

Dean, John

**DATE:**

01/11/92



4254

Witnesses:  
 Wickertson  
 566 Greenwald

Anderson M. O'Hara  
 H. Knight  
 Sykes -

Mr. Eaton  
 Sing Sing - Prison

Counsel,  
 Filed 11 day of May 1892  
 Pleads, *M. J. Sullivan*

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.*  
*James J. [Signature]*  
*Leah C. [Signature]*

*Sgt. Wm. Brown*  
*Jan 11/92*

0793

CITY AND COUNTY  
OF NEW YORK.

POLICE COURT, DISTRICT.

Sworn to before me, this  
of Dec 29 1891 day  
1891  
Police Justice.

of No. 617 Primer Street, aged 30 years,  
occupation Police Officer being duly sworn, deposes and says  
that on the 29 day of December 1891  
at the City of New York, in the County of New York.

Thomson F. Armstrong nowhere  
is a material witness for  
the People against John H. H.  
charged with Battery.  
Wherefore I pray  
the said Court to order  
to find surety to appear

Michael J. Carroll

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  
12th inst. in relation to the  
above matter.

I am sorry to hear that you  
are unable to attend to the  
matter at this time. I will  
be glad to have you call on me  
when you are able to do so.

I am, Sir, very respectfully,  
Your obedient servant,  
J. C. [Signature]  
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 Officer *Michael*  
attached to your command in  
Dec 1911 in relation to the case of  
*John L. ...*  
sentenced *James ...* to *11*  
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

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*John McLean* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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 -*  
*Wm McLean*

Taken before me this

day of

1897

Police Justice.

0797

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

Police Court—First District.

of No. 244-6-119<sup>th</sup> Street being duly sworn, deposes  
and says, that on the 28 day of December 1891  
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 (now kept for the  
reasoning following to wit: at  
the hour of 8 o'clock P.M. on  
said date this defendant then  
deponent to the ground and  
whilst he held deponent down  
and take said money from the  
pocket of the trousers then  
worn by deponent.

J. J. Armstrong

Sworn to, before me, this

of

18

day)

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.....

*Refrain from*  
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 Dec 27 1891  
Quinn Magistrate.  
Dunroll Officer.  
6 Precinct.

Witnesses  
Premier Shea  
97 Bay Street.  
Jany Carma  
96 Bay Street.

No. \_\_\_\_\_ Street.  
\$ \_\_\_\_\_ to answer.  
Carm  
Att. 2



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.*

*Thomas F. Armstrong*  
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.

*Edw. M. 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

Witnesses:

*Debra L. ...*  
*... in the sum of*  
*... hundred dollars*  
*... bail ...*  
*... bail ...*

*... and bail notice*  
*to Paul Dimond 144 ...*

*W. J. ...*  
*... 1. ...*

Counsel,  
Filed *21* day of *Sept* 189*2*  
Plends, *1st* *Sept 20*

THE PEOPLE  
vs.  
Paul Dimond  
Julius Pearlman  
and Jacob Goldstone  
Robbery, [Sections 224 and 225, Penal Code.]  
Degree.

DE LANCEY NICOLL,  
District Attorney.

*... 1st ...*

A TRUE BILL.  
*Wm. O. ...*

*Sept 2 - 24. 9. 1892.* Foreman.  
*Am. Trial and Acquitted*  
*on ... of the District Atty*  
*County indictment at 4 ... 2 + 3*  
*dismissed.*

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 as-  
 certained 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 injur-  
 ies 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 Dim-  
 ond'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 <sup>or fifteen</sup> 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 <sup>11<sup>th</sup></sup> 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 Hall* 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 13<sup>th</sup> day.  
of January in the year 1892.

*Moris Levy*

*Max H. Hillert*  
*Notary Public*  
*for N.Y.C.*

0000

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 ~~southeast~~ <sup>northwest</sup> corner of Hester and ~~Ludlow~~ <sup>Orchard</sup> 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 13<sup>th</sup> day  
of January in the year 1892.

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

79

## DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE &  
ON THE COMPLAINT OF*Herman Lenz*  
vs. *35 Orchard**Paul Dimond*  
144 Hester*Julius Pearlman*  
39 Essex*Jack Goldstone*  
15 SudlowOffice *Robbery*Dated *Jan 19* 1892Witnesses, *Herman Lenz*No. *35 Orchard* Street,Officer *Charles Zell*No. *11th Precinct* Street,

No. \_\_\_\_\_ Street,

08 10

GRAND JURY ROOM.

PEOPLE

VS.

Monday:

Please  
Examine this  
Case. It seems  
to me that the  
jury ought not  
to have been returned  
if the facts are as  
stated

J. L. M.

On this,  
I have examined the  
affidavits submitted, and  
am of opinion that the  
matter should be laid  
before the Grand Jury  
again.

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

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

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

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 Killebrew, but was dismissed. The examination before the Police Magistrate was an oral one & was very unsatisfactory in its results. In my opinion, the prisoner

08 13

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

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,  
Jacob Lightstone*

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

*Paul Dimond, John Beadman, and Jacob Lightstone*  
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Paul Dimond, John Beadman*  
*and Jacob Lightstone, with* —  
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 *Twelve* —  
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 *Twelve* —  
dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury  
aforesaid unknown, of the value of *Twelve* —  
dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury  
aforesaid unknown, of the value of *Twelve* —  
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of  
the value of *Twelve dollars*.

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*  
*Jacob Lightstone, and each of them being*  
*then and there aided by an accomplice,*  
*actually present, to wit: each in 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. Hill*  
*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.

George Donovan

and

John J. Donohue

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

DE LANCEY NICOLL,

District Attorney.

P. 2. Jan 27, 1892

No. 2 tried and acquitted

A TRUE BILL.

Charles DeForest

Foreman.

Jan 15/92

A. D. S.

George J. Soley

3 yrs 20 1/2

Police Court - 4 District.

City and County } ss.:  
of New York,

Patrick ~~Christopher~~ <sup>Christopher</sup> Byler  
 of No. 1444 1st Avenue Street, aged 31 years,  
 occupation ~~first of ground floor~~ being duly sworn  
 deposes and says, that the premises No. 1444 1st Avenue Street 19<sup>th</sup> 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 prying open  
 the Fan Light over the front door  
 leading into said premises and entering through  
 said Fan Light

on the 2<sup>nd</sup> day of January 1885 on the night time, and the  
 following property feloniously taken, stolen, and carried away, viz:

a quantity of Liquors and  
 Cigars of the value of  
 about Fifteen Hundred Dollars  
 (\$1500<sup>00</sup> - <sup>00</sup>/<sub>100</sub>)

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. Lushbaugh (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 said Fan Light over the  
 door of 530 P.M. on the aforesaid day  
 said Fan Light over the front door of premises  
 No. 1444 1st 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  
 Edward J. Hughes of the 25<sup>th</sup> Precinct Police  
 that at about the hour of 3 A.M. on the aforesaid



0822

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

says, that he has heard read the foregoing affidavit of Patrolman Baylon

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

John H. Ryan  
Police Justice.

Edward J. Hughes

0823

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

4 District Police Court

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.

W-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

Police Justice.

0829

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK

*John F. Donohue* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is <sup>145</sup> right to make a statement in relation to the charge against *h*; that the statement is designed to enable *h* if he see fit to answer the charge and explain the facts alleged against *h* that he is at liberty to waive making a statement, and that *h* waiver cannot be used against *h* 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. *W.D.*

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* 188*7**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 1892 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.

0827

BAILED.

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Patrick Boyle*

*George Durra*

*John F. Leonard*

1 .....

2 .....

3 .....

4 .....

Offence

Dated *Jan 2* 1892

*B. J. Hughes* Magistrate.

*Call Officer Hughes* Officer.

*75 Precinct* Precinct.

Witnesses *Officer W. King*

No. *75 Precinct* Street.

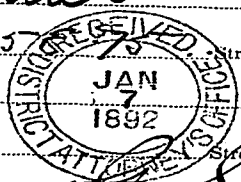
No. *Toro Kelly 355* Street.

No. .... Street.

No. .... Street.

\* *1500 Ex* Street.

*1500 Ex Jan 5 - Dan*



**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 *night*-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

0030

Witnesses:

30 *Wm. H. Kennedy*

Counsel,

Filed

day of

Pleas,

1892

THE PEOPLE

vs.

*James Donovan*

Grand Larceny, (From the Person),  
[Sections 528, 529, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Wm. H. DeForest*

Part 3. Jan 11/92

Foreman.

Lined & acquitted

Police Court

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, 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 and carried away by James Donovan(now here) for the reason that on the above date  
deponent was sitting on a stoop 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

1891

Police Justice.

0032

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877.

aged 38 years, occupation Peter D. Carter of No. 4th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Richard Watson 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 189 1 }

Peter D. Carter

J. J. Richards  
Police Justice.

0033

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

District Police Court.

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

Taken before me this

day of *December* 1891,

*John P. Kelly*  
 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* 18*91* *So. J. R. H.* 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 Watson*  
189 *Clark Row*  
1 *James Donovan*  
2  
3  
4

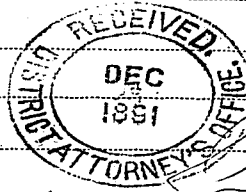
*Yancy from*  
*the Prison*  
Offended

Dated *December 25* 1891

*O'Reilly* Magistrate.  
*Peter D. Carter* Officer.

Witnesses *Peter D. Carter* Precinct.  
No. *24th Precinct* Street.

No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
\$ *1000* to answer



*C*  
*9th person*

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

*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

0039

**BOX:**

463

**FOLDER:**

4254

**DESCRIPTION:**

Reilly, Philip

**DATE:**

01/25/92



4254

0840

POOR QUALITY  
ORIGINAL

This was in Office  
135724

Witnesses

Wm McCaffrey  
John H. Smith  
Abraham D. Kemp

No 1 and 2  
called Jan 28 1892 by  
John R. Nugent  
1156 B L

The alleged voter known for the  
reputation 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 that fact  
and his subsequent dis-  
appearance to assume that  
they were justified in reporting  
his vote. If maintainers were sub-  
sequently issued, but the person  
(Rosen) who came up in court  
his indictment cannot be  
further prosecuted and I  
do think it reasonable to affirm  
the verdict. Dated 11/27/92  
J. C. [illegible]

Henry  
249 [illegible] Grace  
164 [illegible] [illegible]  
Counsel,  
Filed 25 day of Aug 1892  
Pleads Not guilty

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. [illegible]  
May 18 1892

A TRUE BILL.

Chas. J. Referred

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

0841

POOR QUALITY  
ORIGINAL

Trans was in A. Affairs  
13572

Witnesses

*W. J. McCaffrey*  
*John R. Nugent*  
*Abraham Shoup*

No 1 and 2  
called Jan 28/92 by  
John R. Nugent  
1156 B L

The alleged voter (Gunn) for the  
repetition of votes to get  
three defendants election  
mapsters 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 that fact  
and his subsequent dis-  
appearance, to assume that  
they were justified in reporting  
his vote. A mandamus was sub-  
sequently issued, but the person  
(Gunn) who served it, is dead.  
His indictment cannot be  
further prosecuted and  
therefore is recommended  
to be dropped. The indictment  
was returned April 11/92  
at New York.

Counsel,

Filed

day of

1892

Pleas

THE PEOPLE,

*Timothy J. Donovan*  
*and*  
*Philip C. Reilly*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Chas. J. DeForest*

*Indictment dismissed*  
On motion of *W. J. McCaffrey*  
Apr 22 '92

Foreman.

Violation of Election Law  
Section 1906 Consolidation Oct 7

220

N. Y. SUPREME COURT

The People et al., 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 Meeser 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.



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 Leaser 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 be-  
fore 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 16<sup>th</sup> day of  
November 1891 at 11 A.M. of that day, or as soon there-  
after as counsel can be heard, why the above named Tim-  
othy J. Donovan, Philip C. Reilly, John F. Hunt and Mich-  
ael J. McCaffrey should not be punished for their mis-  
conduct in disobeying the annexed Peremptory Writ of Man-

drawn to be paid directed, and that they and each of them  
should not be held guilty of a contempt of this Court,  
and that *they* should be *punished therefore*, and *why*  
such order and writ of relief *should not be granted* may seem just  
and proper.

Service of this order, and of the writs upon which  
the same is based on *13<sup>th</sup>* 1891,  
might be deemed sufficient.

Dated November *12* 1891.

*Abm R Lamm*  
*Joc*

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 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.

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 ~~mand~~  
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 re-  
fused 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  
10<sup>th</sup> day of November, 1891.

*Richard P. Parnell*

*J. Kurzman*  
*Notary Public*  
*City of N.Y.*

**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 :

City and County of New York, ss--

**I, Abram Leeser, being duly sworn, depose and say:**

I am a clerk in the office of David Leventritt, Attorney  
for the Relator herein.

On the 3rd day of November, 1891, on the corner of James Street and New Bowery in the City of New York, I served upon Timothy J. Donovan, Chairman of the said Board of Inspectors of the 7th Election District of the 2nd Assembly District of the City of New York, the annexed Peremptory Writ of Mandamus by delivering to and leaving the same with said Timothy J. Donovan personally a true copy thereof, and exhibiting to him said original Peremptory Writ of Mandamus and the signature of Hon. Abraham R. Lawrence, thereto attached. That at the time of such service, Philip C. Reilly, John F. Hunt and Michael J. McCaffrey, the remaining three members of said Board, were present. Whereupon the said Relator herein

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. McCaffrey, 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

*Abraham Leeson*  
*Arthur Kathschild*  
*Chairman of Leeds*  
*City*

Fel 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 Elec- :  
tion 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 Leventritt, 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. Dono-  
van, Philip G. Reilly, John F. Hunt and Michael J. McCaf-  
frey 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.

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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 Rothschild*

*Corn of Seeds*

*New York City*

0856

*Supreme* Court,  
City and County OF NEW YORK.

*The People ex rel Richard  
Burke* 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 3<sup>rd</sup> day of November 1891,  
at 52 New Bway

in the City of New York, he served upon  
the chairman of the Board of Election Inspectors for the 7<sup>th</sup>  
Election District of the 1<sup>st</sup> Assembly District, the annexed  
Order to show cause, and at the same time exhibiting  
to said chairman the signature of Hon. Abraham Lawrence  
which is attached

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

Dependent further says, that he saw said Order to show cause  
signed by me, this 3<sup>rd</sup> day

of November 1891

*Thos F Meagher*

*Arthur Rothschild*  
Clerk of the Court

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  
*7<sup>th</sup>* Election District of the *2<sup>nd</sup>*  
 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 *7<sup>th</sup>* Election District of the *2<sup>nd</sup>*  
 3 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 *7<sup>th</sup>* Election District of the *2<sup>nd</sup>* 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* to accept, receive and deposit said  
 the relator to vote in the manner provided by law and that you *be compelled to*  
 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 *1 45 PM* o'clock of this day.

Dated New York, November 3d, 1891.

*Charles 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 Burke*  
That he resides at *48 New Pomeroy* being duly sworn, deposes and says :  
District of the *2nd* in the *7th* Election  
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 pasting 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.

9

*Richard Burke*  
*Arthur Rothchild*  
*Corn. of Leeds*  
*Mayor City*

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK  
EX REL.

Richard Burke

against

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

AFFIDAVIT AND ORDER  
TO SHOW CAUSE.

David L. Schwartz

Attorney for Relator,  
200 Broadway  
New York City.

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# 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.

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 *7<sup>th</sup>* Election District of the *2<sup>nd</sup>* 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 *7<sup>th</sup>* Election District of the *2<sup>nd</sup>* 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 *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,

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 *31<sup>st</sup>* 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.

WITNESS,

*John R. Lawrence*  
One of the Justices of the Supreme Court of the City  
of New York, this *31<sup>st</sup>* day of November, 189*8*.

*Alfred*

*John R. Lawrence*  
*John R. Lawrence*

IN SENATE  
JANUARY 10, 1961

REPORT

At a public hearing held at the New York State Capitol, Albany, New York, on January 10, 1961, the following testimony was taken:

DAVID LEVENTRITT, Attorney for Relator, 280 Broadway, New York City.

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK

EX REL.  
*Richard L. Lamm*

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.

*Richard L. Lamm*  
*John Doe*  
*Richard Roe*

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

THE STATE OF NEW YORK

IN SENATE

JANUARY 10, 1961

REPORT

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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.

*Supreme Court.*

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

*Timothy J. Dorman  
& co*

*Copy Affidavits and  
Order to show cause*

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

C. G. Burgoyne, Walker and Centre Streets, New York.

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Vol 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 Elec-  
 tion in add 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,

2  
 O R D E R E D that Timothy J. Donovan, Philip C.  
 Reilly, John F. Hunt and Michael J. McCaffrey show cause be-  
 fore me at a Special Term thereof to be hold at Chambers,  
 At the County Court House in the City of New York, on the  
 16<sup>th</sup> 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 <sup>13<sup>th</sup></sup> 1891, shall be deemed sufficient.

Dated November <sup>12<sup>th</sup></sup> 1891.

Alvin R. Lawrence  
Justice etc.

Vol 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 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, 1931,  
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 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

0866

true in every particular.

Sworn to before me this  
12<sup>th</sup> day of November, 1891

*Arthur Rothschild*  
Com of Deeds  
N.Y. City

} *Horace M. Lower*

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, Chair-  
 man 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

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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 herebefore 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, then* ordered the police to remove me 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.

Sworn to before me this  
7th day of November, 1901.

*Albion S. Lewis*  
*J. Kurzman*  
Notary Public  
244 Co

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## SUPREME COURT

County of New York.

-----:  
 The People of the State of New Y :  
 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 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.

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.

David L. Hunt

Arthur Rothschil  
Comr of Deed.  
N.Y. City

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Supreme Court,  
County OF NEW YORK.

The People of the  
County of New York  
Plaintiff  
against  
John Doe  
Defendant

Affidavit of Service.

City and County of New York, ss.:

Abraham S. Levy

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 3<sup>rd</sup> day of November 1891

at the place of Deposition, he served upon the said Chairman of the 7<sup>th</sup> Election District of the 2<sup>nd</sup> Assembly District in the City of New York, a copy of the original order to show cause, and the signature of the Justice that it subscribed. He also served upon the said Chairman a copy of the original order to show cause, and the signature of the Justice that it subscribed. He also served upon the said Chairman a copy of the original order to show cause, and the signature of the Justice that it subscribed.

Sworn to before me, this 3<sup>rd</sup> day of November 1891.

Arthur Katschies  
Clerk of the Court

Abraham S. Levy

New York City and County.

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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,

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 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

0874

3

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 1901

*Abm. 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 ~~may~~ 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

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 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.)

TAKE NOTICE, that the within is a N. Y. Supreme Court.

copy of

this day duly entered herein in the office  
of the Clerk of the

The People of the State  
of New York by rel.

of New York,

Dated New York,

189

Yours, &c.,

DAVID LEVENTRITT,

Attorney.

Office and Post Office Address,

280 Broadway, New York City.

To

Attorney.

Copy Affidavits  
and Order to show cause

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 C. Kelly  
280 Broadway

0000

Vol 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 16<sup>th</sup>  
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-

3  
large 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 14<sup>th</sup> 1891, shall be deemed sufficient.

Dated November 13 1891.

Abm R. Lawrence  
Justice D.C.

Fol 1

## SUPREME COURT

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 Elec-  
 tion in and for the 7th Election  
 District of the 2nd Assembly  
 District of the City of New York  
 -----

I, Abram Leiser, being duly sworn, depose and say:-  
 That I am a clerk in the office of David Leventritt, at-  
 torney 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 Reg-  
 istry 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 R. Law-  
 rence, thereunto attached. Whereupon the said relator  
 herein demanded of said Board, composing Timothy J. Don-  
 ovan, Philip C. Reilly, John F. Hunt and Michael J. McGaf-  
 frey, 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.

L. K. Schuster

Notary Public  
N.Y. C.

Abram Leiser

Fol 1

## SUPREME COURT

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 Leventritt, 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 Dis-  
trict of the 2nd Assembly District having been unknown to  
Bernard Curtis, the relator herein, at the time of the a-  
doption 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 Elec-  
tion District of the 2nd Assembly District of the City of  
New York, and said Timothy J. Donovan was and acted as the  
thereof  
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.

*D. K. Schuster*  
Notary Public  
*David Leventritt*

*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. Meagher*  
being duly sworn, says that he is over the age of 18 years, and is a Clerk in the office of DAVID  
LEVENTRITT, *Attorney* Attorney herein, and that on the *3<sup>rd</sup>* day of *March* 1891,  
at *New York City* 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 *West 45<sup>th</sup> St* at the same time exhibiting  
the signature of *Hon Abraham R. Lawrence* Clerk of the Court  
HE FURTHER SAYS, That he knew the person served as aforesaid to be

Sworn to before me, this *3<sup>rd</sup>* day  
of *March* 1891

*Arthur R. Schuchert*  
Clerk of Court

*Thos F Meagher*

New York City and County.

0886

# New York Supreme Court.

CITY AND COUNTY OF NEW YORK.

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

JOHN DOE AND RICHARD ROE, and others, all of whose  
names are unknown, Inspectors of Election in and for the  
7<sup>th</sup> Election District of the 2<sup>nd</sup>  
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 7<sup>th</sup> Election District of the 2<sup>nd</sup>  
Assembly District of the City of New York, show cause before me or such other Justice of the  
Supreme Court, to 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 7<sup>th</sup> Election District of the 2<sup>nd</sup> 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* 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  
granted may be made less than eight days, and it is hereby directed that the same be served on or  
before 2 o'clock of this day.

Dated New York, November 3d, 1891.

*Alvin 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*  
That he resides at *4 James Street* being duly sworn, deposes and says :  
District of the *2nd* in the *7th* Election  
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  
Officer, 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 of 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 }  
9 day of November, 1891.

*Bernard Curtis*  
Deponent

*Henry Brennan*  
Notary Public  
*in &*

New York Supreme Court.

THE PEOPLE OF THE STATE OF NEW YORK

EX REL.

*Bernard Carter*

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. G. Wagner, Walker and Centre Sts., N. Y.

*M. G. Grant*

# 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 7<sup>th</sup> Election District of the 2<sup>nd</sup> 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 7<sup>th</sup> Election District of the 2<sup>nd</sup> 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 7<sup>th</sup> Election District of the 2<sup>nd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> day of November, 1896.

Alm R. Lawrence  
Alm R. Lawrence  
P. A. Gregory

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 L. Schubert*  
*Attorney for Relator,*

*281 Broadway*  
New York City.

*Alfred*  
*John R. Lawrence*  
*Jr.*

*November 3rd 1891*  
C. G. Burgeyne, Walker and Centre Sts., New York.

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 v. Richard Curcio*

*against*

*Samuel J. Honohan*  
*et al*

*my affidavit and*  
*Order for habeas corpus*

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

Timothy J. Donovan } <sup>Rep.</sup> Inspector v 7 El. of 2<sup>nd</sup>  
 Philip E. 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 I invent to 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  
Investigation  
Electron Law

Dated Jan 19 1892

Witnesses, Horace M. Loma  
227 Park Row

No. John F. Hunt 11 James Street,

Michael J. McLaffrey 26 Ave 84

No. The Old Corner Case  
Abram Levy 280 Broadway

Richard Burke  
48 New Bond Street,

No. Bernard Curtis 4 James St.

Rodney  
Bureau of Electric  
Police Hdg's.

0894

**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.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE. C. R. 3003

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

To W. Greenstreet Send same to Mr. Greenstreet  
 of No. 600 Elect 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 2nd day of April 1897, 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 April in the year of our Lord 1897

WILLIAM M. K. OLCOTT, District Attorney.

0895

**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.]

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

C. R. 3603

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

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

At 2 o'clock P.M.  
 to see Mr. Ryder

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 189

WILLIAM M. K. OLCOTT, District Attorney.

0896

## 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* 189*7*,

I called at *227 Park Row (Columbia Hotel)*

the alleged *residence* of *Horace M. Lomer* 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 (M. Carthy) has been at said address for over twenty years.*

*No such name appears in the City Directory*

Sworn to before me, this *12th* day of *April* 189*7*,

*William H. Borden*  
(Notary Public)  
*Filed*

*Hugh McFadden*  
Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

*Alonzo M. Lomer*  
vs.

*Timothy Donaway*

JOHN R. FELLOWS,

District Attorney.

Affidavit of

*August M. Fadden*

Subpoena Server.

Failure to Find Witness.

0897

454

**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. Reilly*

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

*Timothy J. Donovan* and  
*Philip R. Reilly* 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 Election District of the Second Assembly District of the said City and County at the polling place of the said Election District duly designated for that purpose.

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

Polgren, 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. Gaddy, John F. Hunt and Michael  
 J. McPolgren 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. Gaddy, as being such  
 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, feloniously did then  
 and there illegally exclude the vote of  
 the said Horace W. Sawyer, so duly  
 tendered as aforesaid, against the  
 form of the Statute in such case  
 made and provided, and against the  
 peace of the People of the State of  
 Nevada, and their dignity

De Dorey, Clerk,

J. W. Sawyer

0901

**BOX:**

463

**FOLDER:**

4254

**DESCRIPTION:**

Dowd, Henry G.

**DATE:**

01/18/92



4254

Witnesses:

Wm. Miller: 5-

Jas. Chad: 5

Counsel,

Filed

day of

189

Pleas,

Wm. Miller: 5-

in testimony of the

THE PEOPLE

Charge: 1st. The defendant is

charged with the crime of

felony: the facts of the case are

as follows: The defendant

is charged with the crime of

felony: the facts of the case are

as follows: The defendant

is charged with the crime of

felony: the facts of the case are

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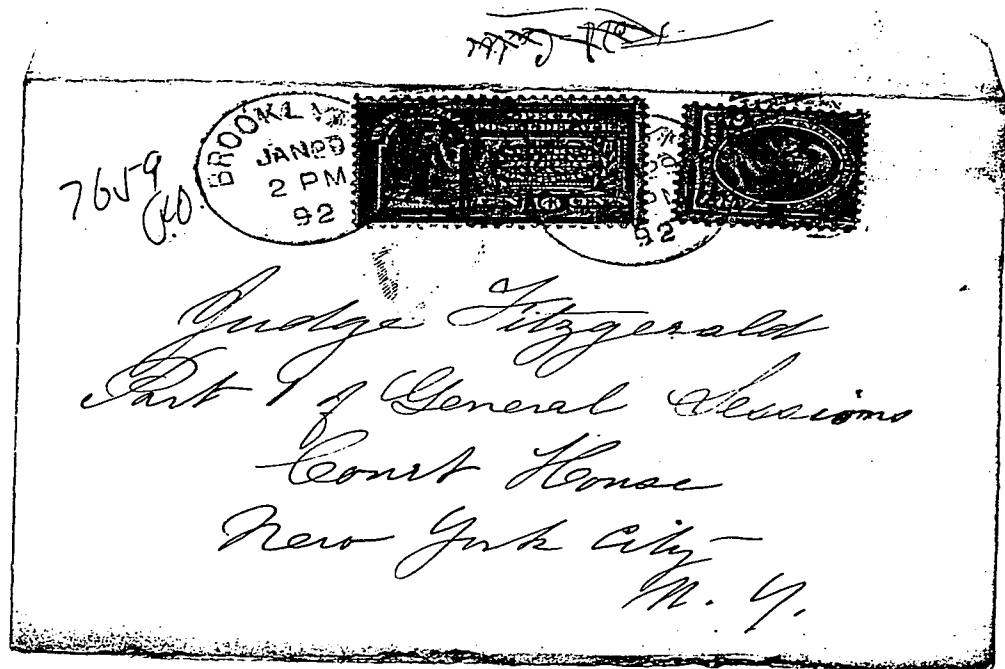
LANEY NICHOLS

District Attorney

TRUE BILL

*Handwritten signatures and text, including "True Bill" and "District Attorney".*

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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 86,

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 ~~who~~ 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.

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 Busteed's arms. I struck the defendant with my fist, Officer Busteed 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

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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.

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<sup>ing</sup> 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 McCorry then at James Slip and he went through Cherry Street in the direction of Roosevelt 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 McCrory and myself joined in pursuit, I rapped with my night stick one single rap and Officer McCorry called upon the defendant to stop, he paid no attention but appeared to be increasing his speed; then Officer McCorry 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 McCorry 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.

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

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, 1892.

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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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 locked 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 on 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

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 16th 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.

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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.

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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 not 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 setry 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 offense.

0934

Testimony in the  
case of  
Henry G. Dowd  
filed  
Jan. 1892  
150 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 G. David*

*Assault*

CITY AND COUNTY OF NEW YORK, ss.:

*Jacob Van Gencaten* 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* 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 untemperate 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 W. Young*  
*Notary Public*  
*N.Y.C.*

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, May 20 1892

William J. Hoffman  
County Clerk  
of New York

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 25/92*

-----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 G. Dowd*  
Notary Public  
*W. H. B.*

People  
for

Henry G. David

of the  
affiliated  
in January 1892  
David  
Comptroller General  
in 1892  
New Mexico

Depts Ex 3 Jan 29/92  
Cee

City of Brooklyn } ss  
County of Kings

W<sup>th</sup> A. Little M.D.

of the City of Brooklyn, County of Kings and W. J. Gulfinian<sup>M.D.</sup>  
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. Cloud 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 14<sup>th</sup> day of June, 1872.

A. Little M.D.

W. J. Gulfinian M.D.

County of Kings ss

The above-named A. Little and W. J. Gulfinian 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 14<sup>th</sup> day of June, 1872

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

County of Kings ss

Patrick M. Howard of the City of Brooklyn, in said County, being duly sworn says that he is well acquainted with Henry G. Howard 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. Howard  
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. Howard 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 G. Howard 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 *27<sup>th</sup>* day of *Aug* 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. Cloud to the  
Lunatic Asylum at Flatbush, and to deliver  
him to said Super<sup>intend</sup>ents, 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 4<sup>th</sup> day of June, 1872.

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

Summary  
The People

no.

Henry G. Cloud  
\_\_\_\_\_

Certificates of  
Physicians, Cordence, &c  
\_\_\_\_\_

Filed Jan. 14, 1872

0944

Depts Ex 21 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  
G. 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 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 *January* 189*2*

*John Cottier* Clerk.

*clerk*  
*of court*  
*give*  
*cert*  
*of law*  
*29 day*  
*2*

Henry G. Cloud to the Lunatic Asylum at Flatbush, and to deliver  
 him to the <sup>said</sup> 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  
 Elbe H. Steers } Town of Flatbush

Lunacy

The People

vs

Henry G. Cloud

Certificates 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

Ed. Haller

Yours  
David Lee

0950

# Manhattan Safe Deposit and Storage Company,

WM. H. APPLETON, PRESIDENT.

A. H. WELCH, VICE-PRESIDENT.

JOHN J. PULLEY, SECRETARY.

346 &amp; 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'y 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  
Jos. 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 4<sup>th</sup> Precinct being  
 duly sworn deposes and  
 says that on the 17<sup>th</sup> day of  
 January 1892 while on duty  
 he saw Henry G. Round at  
 90 James Street in front of  
 said premises in the City of New York  
 and feloniously Assault one  
 William Miller by cutting the  
 said Miller across the throat  
 with a <sup>knife he then held in his hand</sup> 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.  
 Given to before me  
 this 18<sup>th</sup> day of Jan 1892 } William H. Masterson  
 Jurat

Comptroller

at New York

69

People  
N

Her 9 bond

Baroness's

Martin's

Lebanon  
Green  
Lepre

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.

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 *17<sup>th</sup>*  
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 *him* 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 *him* 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

1892

Plends,

THE PEOPLE

vs.

P

John J. Doyle

3-7-96  
Black Court

Grand Larceny, (From the Person.) Degree.  
[Sections 628, 638, 639 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. DeForest

Foreman.

May 15/92

Handwritten signature

4 mrs 6 mrs SP

Handwritten initials

0959

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

55.

of No. 204 West 121 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 Cole's affidavit of the 12<sup>th</sup>  
day of July 1889, hereunto annexed.

Sworn to before me, this

day of

POLICE JUSTICE

0960

Police Court

2<sup>nd</sup> District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Edwin Poe.

of No. 20 Bank Street, aged 71 years,  
 occupation Clerk being duly sworn,  
 deposes and says, that on the 27<sup>th</sup> day of June 1896 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 Very Chain and one  
locker—the whole valued at  
about \$30<sup>00</sup>

the property of

Dependent

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 13<sup>th</sup> 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. Dependent 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

189

Police Justice.

Swice identified the defendant as one  
 of the persons he saw running away  
 on said date, & thereupon charged  
 the defendant with having stolen from the  
 person said property and from that he  
 failed to answer.

Sworn to before me }  
 this 15<sup>th</sup> day of July 1891 }

Edwin Roe

*[Signature]*

Police Justice

0962

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK

District Police Court

*John J. Doyle* being duly examined before the under-  
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 St. 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

Thomas Burleigh  
Police Officer

of No. 9<sup>th</sup>

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

0964

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 11 years, occupation School Boy of No. 163  
W 13<sup>th</sup> 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

CITY AND COUNTY  
OF NEW YORK

2 District Police Court

*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 home*

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*

day of *July*

Taken before me this *14*

1894

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 7-12-91  
Police Court-- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edwin Cox.

20 Bond Street

John P. Clark

John J. Dyer

Dated July 12 1891

Hofman

Stuart A. Burleigh

9th Precinct.

Witnesses

Isaiah Young

No. 163 W 13 Street.

Frederick Brown

No. 163 W 13 Street.

Officer Burleigh

No. 9th Precinct.

\$ 1000 to answer

13 1891

ATTORNEY

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0968

504

**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. Dudge*

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

*John J. Dudge*

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

The said *John J. Dudge*,

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 pocket 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:

1895  
Counsel  
Filed  
Pends,  
1895

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

THE PEOPLE

vs.

R

Denis J. Dwyer

James M. Galt

Spred Gunderman  
DELANCEY NICOLL,

District Attorney.

11 foot 4 inches

Discharged on his own

recognition

A TRUE BILL.

Wm. J. DeForest

Foreman.

May 21, 1895

May 22<sup>nd</sup> 1895

0971

TORN PAGE

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK

District Police Court

*Dennis 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.

*Dennis 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-35-2nd Ave*

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

1942

Police Justice

0972

Police Court

2 District.

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

of No. 454-N-140 Carl Woelky 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  
Series 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

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~~ 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* *[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.

0974

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court--- 2 District 16/14

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Carl Koelky  
1154 W. 14th St

1 Dennis J. Sawyer

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

16/14  
Felony Assault  
Officer

Dated Jan 2 1892

Dinner Magistrate.

Stephenson Officer.

20 Precinct.

Witnesses Mr. Kleeve

No. 522 W. 4th Street.

Mr. Roock 576. 11th St.

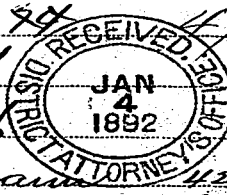
No. Mr. Dusch 690 10th St.

G. Ottmann 428 W. 39th St.

No. \_\_\_\_\_ Street.

\$ 500 to answer G. S.

Corn 10/11



**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. Drwyer*

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

The said *Dennis J. Drwyer*  
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 Woolky* — in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*Carl Woolky* with a certain *knife*

which the said *Dennis J. Drwyer*  
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 Woolky* —  
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. Drwyer*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Dennis J. Drwyer*  
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 Woolky* — in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *Carl Woolky* —  
with a certain *knife*

which the said *Dennis J. Drwyer*  
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*