THE BROOKLYN STRUGGLE.

Continuation of Mrs. Putnam's Evidence as to Mrs. Tilton's Virtues.

ILLNESS OF THE SEVENTH JUROR.

He is Unable to Sit Till Recess and the Court Adjourns Till Monday.

AN ANALYTICAL WITNESS.

How Theodore Tilton Offered to Take Her to the Theatre.

MRS. TILTON'S SAINTSHIP

Who Rally Round the Plaintiff and Defendant and Who Are Absent.

At a quarter-past eleven Mrs. Putnam took the chair, sat straight up, smiled on the assembled multitude and held her fan down for a point of repose and an instrument of balance. She is a well bred lady of middle age or just beyond it, with large, fine New England features, wavy hair of grayish flax, a bright red complexion and a couple of curls. Dressed in the style of the period and of a religious and literary bias. Mrs. Putnam talked off her evidence with some felicity, not unaccompanied with Plymouth church modes and figures of speech. She was much relied upon by the defendant and his church members, as she is one of the few persons having a fair acquaintance with Mrs. Tilton who is heartily in sympathy with the great clergyman and his fold. Twice married, with some knowledge of the world and a grammatical nicety she barely overdid the business a little by attempting fine analyzations, under direction of Brother Shearman. He moves in a mysterious way his wonders to perform.

These analyzations were objected to by both Beach and Fullerton, as mere mental impressions and not facts which of themselves explain character. The counsel for the defence undoubtedly saw, in the way Mrs. Ovington and Mrs. Putnam had begun to elucidate human and religious nature, a preparation for Mr. Beecher to take the stand and preach to the jury as he had done, with stenographers on either hand, before the church Investigating Committee. However, the plaintiff relies upon the cross-examination of the defendant's witnesses, rather than upon retarding the mellifluous flow of the direct evidence. Mr. Beecher apparently likes this kind of

PHILOSOPHIC EVIDENCE;

for he sat in high spirits, his wife by his side, drinking in all that Mrs. Putnam said, his eyes meantime flashing into hers gratulation and gratitude. The witness' voice was not good for the court room and apparently few persons heard her perfectly—probably not all the jury. The general tenor of the evidence she gave was to the effect that Mrs. Tilton was a woman, all of whose peculiarities leaned to virtue's side and that, while Mr. Tilton was originally a person to be liked by the orthodox, he had at some particular time, which the witness endeavored to fix, wandered off from the stern letter of the moral law to make a code of his own. It will be seen that the latter testimony was all in keeping with Mr. Beecher's theory that Theodore Tilton had descended from what, by a refinement of comparison, he called "the proudest editorial chair in America" (all who filled it having been proud of it), to be

A TRIFLER IN STRANGE DOCTRINES.

It now seems apparent that when this class of episodical evidence is in, well shaken up and put so as to give a bias to the minds of the jury as to what manner of a man Mr. Tilton may be, and how far different from what he explained of himself, and when Moulton is interpreted in the same way, piecemeal, then Mr. Beecher, given full swing, will repeat his statement before the committee to the jury, with amplifications and good acting. It cannot be said, however, that

THE THREE WITNESSES

already adduced from Brooklyn for the defendant have greatly impressed the worldly observer. Mr. and Mrs. Ovington and Mrs. Putnam appear to be respectable moral agents, and of fair social and business responsibility. But there is something about them unlike the straight-spoken beings of the realistic outer world. They have a vernacular quaint as that of the time of Charles I., and a certain unworldly behavior, address and even clothing. It would seem as if one of the old Puritan congregations, planted on Long Island from Connecticut, had been caught up in the whirlpool of a great suburban city and surrounded there, mingling with the world a part of the day and in the evenings, and on Sabbaths seeking all their spiritual and intellectual aliment from the Brooklyn pastor. Mr. Beecher himself does not look like these Plymouth people; he talks like them, but there is a finish and scholarship about his Plymouth language which the lambs and ewes of his flock cannot artistically imitate. What he makes eloquent they make crude. When he is exulting, explanatory, antithetical and climatic, they are awkwardly unctuous and but half bland. The platitudes are nearly as hard to acquire second hand as the beatitudes.

THE FAIR SEX IN COURT.

Yesterday the court contained a dozen or twenty women, some of them bright and piquant, who seemed to be thoroughly worldly visitors that had slipped in with the hope that Mr. Beecher would testify. The behavior of these worldly ladies is free and versatile compared to that of the little knots of ladies who surround Mrs. Tilton or sit in the rear of Mr. Beecher. The ladies who accompany Mrs. Tilton are the straitest of all the sects of Plymouth lies. They seem to constitute a deeply-spiritual corner of the Plymouth congregation and to be somewhat heavy company for the pastor and his intimate personal supporters.

Although it has been said that

A CASE OF SMALLPOX

has been traced to the court room nobody seemed afraid yesterday. Mrs. Tilton did not come, but her friends were in their usual chairs. Tilton also had friends with him, older men than himself, for it is a mistake to believe that he has not a small, but firm band of people around him, who knew him in his stronger days, and have never lost the glamour of his first acquaintance. Some of these regard him as a person proud of his opinions and too foolish in asserting them to be very successful in this life; but they admire his mental qualities all the same. Others have constructed an entirely domestic position for him, without regard to his views on political or social topics, and they stick by him in this conflict, if in no other place, because they have formed a partiality for his courage in bringing his supposed injurer to bay.

ABSENCE OF LITERARY FRIENDS.

One class of his old friends is noticeably missing—the literary guild. When Tilton was at one time poet, editor and lecturer, he gave his professional friendship mathly to men above him, and seldom extended the encouraging hand to those below. Greeley and Beecher used his house, but no poor inferior. Whatever the cause of their treatment, he is without the guild in the body at his side in this court. Business friends like Moulton hold to him. Some men of the world, without regard to their own informal lives, take him by the hand, for the mere pluck of the thing, and say they like him. But if he had a dozen young men there of his own type, journeymen and master mechanics in the trade he has followed so many years, it would seem to prove that he had paid some attention to such when he was toiling in their ranks. Friendship comes best from below. When from above it dignifies the donor more than the recipient. But

ON THE OTHER HAND

there are no clergymen with Mr. Beecher, their peer, except his brother Edward. It is his own church—that, and no other—which clusters around him in this court. How different twenty-eight years ago, when he was examined in the little old church on Cranberry street—which his society had purchased—by an ecclesiastical council, as the candidate for the new Plymouth pulpit. Then there were present representatives from twelve Congregational churches. There were Rev. R. S. Storrs, from the Church of the Pilgrims and J. N. Sprague from the Second Brooklyn Congregational. From New York there were Revs. D. C. Lansing, George B. Cheever, William W. Wallace, Joseph P. Thompson and S. Bristol. From the three cities of Bridgeport, Hartford and New Haven were the Revs. Nathaniel Hewett, Horace Bushnell and S. W. S. Dutton. From the Salem church, in Boston, was Edward Beecher, his brother, he who, alone of all identified with him in his past career, comes now to the court and sits close by the defendant in this cause.

When Mr. Beecher was installed there was an invocation by Rev. Dr. Humphreys. The sermon was by Rev. Dr. Edward Beecher; the prayers by Drs. Hewitts and Bushnell; the charge to the pastor by Dr. Lansing; the fellowship of the churches by Rev. R. S. Storrs, and the address to the people by Rev. J. P. Thompson.

Now there are none of these at Mr. Beecher's side but Edward Beecher, flesh of his flesh and bone of his bone. Among the church officers twenty-five years ago was Deacon Henry C. Bowen, one of six deacons. Mr. Bowen has not been in this court room, and Mr. Beecher's lawyers have denounced him, among other persons, as a conspirator against the pastor.

There were nine trustees twenty-five years ago, among them Henry C. Bowen and John T. Howard. We see Howard only in the court room; Bowen is either alienated or an opponent or indifferent. The first church membership of Plymouth comprised twenty-one persons, of whom that are connected with this case, Henry C. Bowen (his wife, Lucy Maria, was an original member), John T. Howard and John F. and Rebecca Morse, these five, made one-quarter of the whole original membership. Where are they all?

The founders of Plymouth church were John T. Howard, Henry C. Bowen, Seth B. Hunt and David Hale. Three of these were from the Church of the Pilgrims, in Brooklyn, and Hale was from the Tabernacle church in New York. Bowen bought the lot of ground where the church stands, and at his residence the early meetings were held in 1847. A minute of things at that time says:—

"On Sunday morning, May 16, 1847, notice having been given in the newspapers, the meeting house in Cranberry street, Brooklyn, was opened for religious worship. Henry Ward Beecher, being providentially present in the city, was invited to prepare the first sermon. At the close of the service public notice was given that the weekly prayer meeting would be established, commencing on next Friday evening in the lecture room. A Sabbath school was organized on the 5th day of September, 1847, Henry C. Bowen was elected Superintendent."

A month and five days after this Sunday school was founded Mr. Beecher commenced his labors as pastor.

When these things are thought over, in view of this mournful daily meeting of some of the parties in a court of justice, how fitting and uncertain seem the friendships of life! The pastor who came to the church at the age of thirty-seven and severed his business connection with Henry C. Bowen as late as 1864 is now a fruitful topic for thousands of editorials throughout the country and the world, and this court room is perhaps to be the scene of his desecration or of his vindication.

A SICK JURYMAN.

Yesterday morning's session was brought to an early adjournment by the revival of the sickness of Mr. Jeffrey—that one of the jurymen whose bright face and strict business attention had given him more consideration, perhaps, than anybody in the jury box. He stood the confinement of the court room for three-quarters of an hour, and the Judge was obliged to dismiss the audience.

THE EVIDENCE.

As soon as the jurors had answered to their names Mr. Shearman resumed the direct examination of Mrs. Putnam.

The witness stated:—I made a visit to Washington in company with the Tilton family; I went with a party of my own friends and Mr. and Mrs. Tilton; Florence Tilton, and Mrs. Morse met us; we boarded in the same house; I was a widow at the time; the visit I have referred to was at the time of Lincoln's second inauguration; we were present at the inauguration, and left the next day; I think it was in March, 1865; we were always very friendly and cordial in our greeting to one another; we always greeted one another with a kiss, and called each other by our first names; I once had a conversation with Mr. Tilton about our style of greeting; he apologized to me for his habit of kissing people; he said he considered it Scriptural; that the Bible said "greet one another with

A HOLY KISS,"

and he thought he liked the Oriental style of kissing; he liked to see gentlemen kiss; he should be very sorry to see his wife with the fastidious notions that some ladies had on the subject of kissing; he referred to his brother-in-law, Mr. Joseph H. Richards, and said, "Joseph does not approve of her cordial, free style of intercourse," but, he said, "I think it is the true style;" he said, "I don't like just to greet my friends with a shake of the hand; I like to give them a kiss; I like to have my wife do it;" Mrs. Tilton had a very exalted religious character, highly spiritualized in its nature, and its chief element was love; I used often to think that she manifested all the love of Christ; she overlooked sin and faults in others or a personal wrong to herself; of any person that I ever knew she lived in a spiritual atmosphere; she was severe to herself, very rigid in her judgment of herself—morbidly so, I thought; I labored with her many times to convince her that she did herself wrong; if she committed the slightest offence against a friend, or had neglected a friend in any way, or had dropped the slightest word that she thought might possibly wound, she gave herself great sorrow over it; she has often written me long letters about little things which I had forgotten, calling herself very severe names; in point of intellect Mrs. Tilton had a very fine mind; it was somewhat peculiar; she was very fond of criticisms; her husband said she was very fond of receiving his criticism; Theodore always told me that Elizabeth was undervalued in her intellectual character; she was too domestic and quiet, but the finest critic he ever had; when she pronounced a

POEM OR COMPOSITION

of his perfect or said it would do, he felt sure he had done as well as he could; he always felt satisfied; he said to me once, in reading a piece of a poem that he had, which Elizabeth had criticised, that if she was free from the cares of a family, she would make one of the finest of writers; I considered Mrs. Tilton a remarkably strong woman; I was struck with her power of loving endurance; I think I never saw any one who could endure with more firmness than she could.

THE FIRST BOUT.

Mr. Shearman attempted to begin his cross-examination with a smile of complaisance, benignant above all to the opposite counsel, whom he hoped to slip by while getting in some good female pathos.

When his deeply intellectual countenance seeks on such occasions to receive a smile it begins at the teeth, hovers there awhile, goes into the mouth, and is bit off. His gold spectacles seem to retain a reflection of it for several minutes, and beam and beam. Anon wrath succeeds this momentary weakness. The great moral purpose glistens in the eyes, and the work of direct examination proceeds.

Yesterday he got along with this benignant mood for about ten minutes, when Fullerton interposed and Mr. Shearman grew enraged. They fell to. Fullerton was cool, irritating, piquant; Mr. Shearman snappish, offended, nowise agile. Temperament is what is the matter with him. The point in discussion was whether Mrs. Putnam should construct the characters of Tilton and wife as they existed in her partiality and give that impression for evidence as fact.

A brief argument between Evarts and Fullerton followed, and the Judge allowed Mrs. Putnam partly to proceed.

The witness continued—There was one point of weakness in her character, she never seemed to have the power of living out of her own life in opposition to her husband; she seemed dominated by his will.

Mr. Beach then moved to strike out "dominated by his will," claiming it was not susceptible of proof.

Mr. Evarts then argued that it was good evidence, as it was the declaration of a lady after an intimate and close observation of Mrs. Tilton's character. It is the very marrow of the relation between the husband and wife in respect to the matter in controversy. It produces no instances but results of observation, and I am afraid if we were disposed to introduce all the instances of fault, that we should find a much more decisive objection made by our friends; and certainly it is Your Honor's disposition and the inclination of the law not to take all the detailed instances of her domestic conduct, but to take from observers the general disposition, attitude and conduct and action of the parties, as showing their relation to one another. Such was the force of the testimony for the plaintiff, and such we understand to be the proper mode.

The Judge—Let the answer stand.

MRS. TILTON'S WORD.

Witness—I never had the slightest hesitation in relying on Mrs. Tilton's word in anything except in one direction; I don't think she was always truthful in reference to her husband's faults; she sometimes made statements to me that I thought were not true, endeavoring to cover her husband's faults.

The Judge—That will do, madame.

Mr. Shearman—Was that the only exception that you are aware of? A. I relied on Mrs. Tilton perfectly in the ordinary affairs of life; I belonged when in Brooklyn to the church of Rev. Dr. Richard Storrs; Mr. Tilton used to speak of Mr. Beecher as one of the great men of the world, one of the most inspiring men and she used to tell me a great deal about his character and himself; Mr. Tilton appeared to me then a religious man; the first time I was ever impressed with a fear that Mr. Tilton was departing from his old religious faith was on the occasion of a tea taking at his house in Oxford street, I think in 1862; I am not quite sure; he told me he

DID NOT GO TO CHURCH

as often as he used to; that he was throwing off the trammels of the Church; that he never wanted his children trammelled by an education that required them to go to church, and that they would never have the religious trammels that he had had; he thought it was unwholesome and not good for the soul; that our religious views were largely the result of education, and that he had suffered from them.

GOING TO THE PLAY.

Mr. Tilton sent me an invitation two or three times to go to the theatre with him a few weeks after my husband's death; he said he wanted to do something for me and minister for me in some way, and he did not know of any other way; I declined; I thought perhaps my reply was too curt, and went around to explain myself and to say to him that I thanked him for his kindness, but as I had never been to a theatre in my life I did not want to make my début in widow's weeds; he said that was just the time to go if I was in affliction; that he invited me for the sake of entertaining me; then we got into a discussion about the relative merits of theatres and churches; I asked him if he would like to think his wife would go to a theatre to console herself a few weeks after his death; he said most certainly he would; if she should need any relief from sorrow he would like to have her go; he said those narrow notions were exploded; he said I was narrow, and it was the result of education, and that I could get more benefit if I would go to a certain play with him; he said he was sure I would derive more benefit than from hearing Dr. Storrs preach—(laughter)—he said the influence of the pulpit over his mind was inferior to the power of the theatre; he derived more inspiration from a certain play he had heard a short time before than he had ever derived from hearing Dr. Storrs or Mr. Beecher or any of the great preachers of the day; Mrs. Tilton thanked me for what I had said to her husband; it was quite a long conversation, and she began to express her views, and her husband told her he was talking to me now, and he didn't want her to interrupt; she accordingly kept silent.

UNHAPPY TILTON.

Mr. Tilton was my guest on a visit to Washington, Conn.; he seemed very unhappy and uncomfortable for two or three days, and his moodiness increased until we were all uncomfortable; he seemed to be disgusted with everything at the table, gave us short answers, walked up and down the veranda of the house, and threw a general atmosphere of gloom over the house; Mrs. Tilton declined to come down to her meals; one day Mrs. Tilton came to my room and asked me to come in and hear Theodore apologize for the manner in which he had behaved the last day or two; I declined going, as I was getting ready to retire; he came to my door and said, "I suppose I have made you very uncomfortable the last day or two by my moodiness, but I could not help it, and I am very sorry."

A SICK JURYMAN.

The Judge—I must interrupt you; the juror informs me that he is not able to remain, and I propose therefore to adjourn until two o'clock. Gentlemen will please retain their seats until the jurors have retired.

As the jurors were leaving the court Judge Neilson said to the officer at the door, "Say to the juror if he is not able to return let us know. They meet at Parker's at one o'clock." After that the Court adjourned until two o'clock.

THE RECESS.

Recess came soon yesterday. Mr. Jeffrey, in a perfectly plucky and modest way, endeavored to keep up his head until recess, but a few observers who noted him narrowly saw his face flush and his eyes labor to hold the witness and the proceedings in their lenses. After a while he passed up word silently to the Judge that, to avoid a scene, he had better be excused, as he felt extremely ill. The Judge, whose good old age is tougher than the endurance of the youngsters around him, quietly adjourned the Court, and the adjournment proved to be good over three days, or until Monday.

A rumor prevailed that Jeffrey's symptoms were of a long spell of sickness. Some said they betokened smallpox.

This made things look gloomy. "By heavens," said one, "there has been both physical and moral contagion about this case. Now the guilty parties, whichever they are, avoid the jail by breaking out."

The HERALD writer asked Judge Morris, attorney for Mr. Tilton, when he thought Mr. Beecher would be brought on.

"It is impossible to tell," said Mr. Morris. "Maybe not for a fortnight or three weeks. It would hardly do for him to give his evidence and then let some of his blundering witnesses contradict him."

"How long do you think the trial will last, Judge?"

"I should think well on to May."

"Do you feel confident or hopeful?"

"The only thing I am afraid of is the jury."

"You don't think they are predisposed against you?"

"No; but I doubt whether they can stand it in point of health. Jeffrey looks to be a sick man."

"What is the law if a juror is disabled? Can't eleven jurors try the case by mutual consent of both counsel?"

"Yes."

"Would your side consent to go on with the eleven?"

"Yes; I suppose we would."

AFTER RECESS.

Sometime before the Judge took his seat on the Bench after recess many of the reporters amused themselves with a discussion in regard to the sanitary state of the court room, which is really very bad, and as to whether the attack of smallpox which has prostrated Mr. Tuscu, one of the stenographers for the *Brooklyn Eagle*, had been contracted in the court room. Certain it is that the air in the hall of justice has been very deleterious to health; and it is just possible that the Judge, acting with a view to the health and comfort of the jury and all others concerned in the conduct of this case, may, for the present at least, exclude from the room all but the jurors, counsel, witnesses and reporters.

THE JUROR STILL SICK—ADJOURNMENT TILL MONDAY.

At ten minutes past two o'clock Judge Neilson ascended the bench, and at that hour Mr. Beecher, Mrs. Putnam, several other ladies and the counsel for the respective parties were present. Eleven jurors were in attendance, one chair being vacant.

Judge Neilson said:—I regret to state that the juryman who is ill cannot attend. Mr. Case, one of the jurors, has called on him, and has come directly from him, and finds that he is not able to be out. The doctor has advised certain remedies to be adopted. We must, therefore, adjourn until Monday morning next at eleven o'clock, to give the juryman some opportunity of getting better.

The court accordingly adjourned until that day. It was stated that Officer Spalding called on Mr. Jeffrey, the sick juror, for the purpose of ascertaining the state of his health, and learned that he is not seriously indisposed, and that there is every reason to hope he will be in his place in the jury box on Monday.

NEW YORK HOMŒOPATHIC MEDICAL COLLEGE.

The Commencement exercises of this college took place last evening at Association Hall. A large and brilliant assemblage greeted the graduates and the music, by Gilmore, rendered the occasion very pleasurable. The programme was as follows:—

Overture on College Songs.....Suppe
Prayer by Rev. Dr. Dowling.
Introductory by Professor J. W. Dowling, M. D., Dean of the College.
Solo—Flute—Air, "Vari".....Hartman
Conferring of degrees by Hon. Salem H. Wales, President of the Board of Trustees.
Waltz—"Du und Du".....Strauss
Presentation of certificates to members of Junior Class who have passed in the studies of the Junior Course, by Professor F. S. Bradford, M. D., Secretary of the Faculty.
Selections—"Madame Angot".....Lecocq
Presentation of Prizes.
Airs for Cornet—Song Without Words.....Frehde
Valedictory on behalf of the Class—Perley H. Mason, M. D.
Selections—"Girofle-Girofla".....Lecocq
Valedictory on behalf of the Faculty—Professor S. Lilienthal, M. D.
Salute to New York.....Gilmore
Class song, session '74 and '75, and "Auld Lang Syne," by the Class.

The graduates were:—William G. Hartley, New York; Samuel A. Muhleman, Ohio; Albert T. Piper, Maine; Henry G. Goldman and Thomas C. Eimendorf, New York; Walter Bailey, Jr., M. D., Louisiana; Ralph Morden, Ontario; Warner F. H. O'Keefe, Pennsylvania; Joseph H. Hilyer and Stanton L. Hall, New York; William Selleck and James M. Dart, New Jersey; Edward Cranch, M. D., New York; Edward J. Winans, New Jersey; Stephan P. Barchet, China; Walton W. French and Richard K. Valentine, New York; Henry J. Anderson, New Jersey; Charles W. Baker, New York; Charles E. Rowell, New Hampshire; Alfred Wanstall, District of Columbia; George A. Routledge, Ontario; Theodore H. Baldwin and Arthur Beach, A. B., New Jersey; Frank K. Hill, New York; Fred. W. Bradbury, Rhode Island; Francis A. Gile, New Hampshire; Martin Deschere, William R. Townsend, George A. Terhune and Minor W. Gallup, New York; Perley H. Mason, New Jersey; Charles P. Saxton and Arthur T. Sherman, New York; Harry D. Baldwin, Pennsylvania; Arthur T. Hills and Richard B. Sullivan, New York; Edmund L. Wyman, Vermont; Horace H. Tinker, Connecticut.

After the exercises a supper at the Brunswick was partaken of by a large company.

THE SHANTY MURDER.

COMMENCEMENT OF THE CORONEL'S INVESTIGATION.

Yesterday morning Coroner Kessler commenced his inquest in the case of James Orr, the man who was alleged to have been murdered in the shanty of Philip Olweil, Seventy-ninth street, on or about the 21st ult., by weapons in the hands of the latter, as previously published in the HERALD. Officer Goodenough, of the Nineteenth precinct, deposed that he was informed of the death of Mr. Orr in Olweil's shanty, and going there found deceased lying on the bed with blood on his head and face; in an adjoining room found pieces of a broken chair and a bloody hatchet in a wood box; there were traces of blood all about the room and outside the door; arrested Olweil, and he said, "I killed the man and suppose I shall be hanged for it;" he seemed to feel very bad; he said deceased came there the night previous and brought whiskey; that Orr gave him $1 to buy some whiskey and some meat, and when he came back deceased raised the hatchet and attempted to strike him, but they settled their difficulty and sat down; they soon talked about the hatchet again, when, as the prisoner states, Orr raised a chair to him, when he (prisoner) disarmed deceased, and after knocking him down struck him several times as he lay on the floor; prisoner denied using the hatchet on deceased; he felt sorry for what he had done and cried about it.

Officer Niven, of the Twenty-third precinct, deposed that early on the morning of the 21st ult., prisoner came up to him on post and said, "I have killed a man in a row;" went to the shanty and saw a man dead; corroborated the testimony of Officer Goodenough, except that prisoner said that he kicked deceased several times, as he thought he might as well put him out of his misery as he was going to die any way.

Owing to the absence of two witnesses, who may know something about the matter, the further investigation was adjourned till next Monday morning, at eleven o'clock. Captain Mount will see that the delinquent witnesses will be in attendance at the time appointed. Mr. William F. Howe appeared on behalf of the accused, who is a man of respectable appearance.

THE VICTIM OF STUPIDITY.

Who Hastened the Death of Jacob Stockvis, the Paralyzed Prisoner?

STATEMENTS OF OFFICERS AND FRIENDS.

A Handkerchief, Plainly Marked with His Full Name in His Pocket all the While.

WHY WAS HE CALLED "JOHN DOE?"

Preparations for a Thorough Investigation by the Coroners.

The case of Jacob Stockvis, the Hollander, who, it is believed, died from injuries received while in the custody of the police or Department of Charities and Correction, details of which were very fully given in yesterday's HERALD, caused much excitement and comment in the community yesterday. The officials of the departments interested and the attachés of the committing court were greatly alarmed at the tragic termination of what the police believed to be a debauch, and some, more directly involved, were much demoralized. Everybody who is familiar with the routine of station house, police court and prison business agree that it was clearly the duty of Keeper Cunningham, when he found the demented and paralyzed man speechless, to

SEND FOR A DOCTOR,

and, when he received Judge Flammer's commitment of him to the Workhouse for six months, to have informed the Judge of the man's condition. They also agree that it was a reckless disregard of the most simple precautions for Judge Flammer to commit the man without rearraigning him before him for a second examination, the more so from the fact that on the first arraignment the man was speechless.

With a view of ascertaining every fact likely to throw light upon the case, a reporter yesterday proceeded to the Workhouse, on Blackwell's Island, where he arrived about half-past eleven. From a clerk in the office it was ascertained that Warden Keah is still confined by sickness; that Keeper Hodge and Engineer Golden, who is acting as temporary warden, as well as Thomas Brady and Peter Kerrigan,

THE TWO LUNATICS

with whom deceased was confined, had been summoned by the Commissioners to appear before Coroner Kessler at eleven o'clock and at that time were in the city. This official was questioned as to the doctor's examination of Stockvis when he was admitted. He reports that the regular physician had detailed a student named Janes and that the examination was made by him. Warden Kean had called for a report from Janes, whom the reporter's informant styled a student, and in reply he stated that he had no recollection of the case and could not state his treatment of the man unless he saw his remains. From the storekeeper it was ascertained that Janes is a graduate and therefore is supposed to be competent for the duties to which he is assigned.

YORKVILLE POLICE COURT.

The reporter next visited the Fifty-ninth street station house, with a view of seeing Officer Fallon, who made the arrest. The sergeant either did not desire to let the reporter have access to the officer or he did not know where he could be found, and consequently the part the policeman played in the tragedy could not be definitely ascertained. Judge Flammer's court was next visited at fifteen minutes after twelve, with a view of hearing what that magistrate had to say as to his action in the premises and to obtain transcripts of the complaint and the entries in the books. It was during court hours, which under the law, extend from sunrise until sunset, yet neither Judge Flammer nor any clerk was present. Officer Rodgers and a brother officer lounged on a bench, and when questioned as to the whereabouts of the officials, Rodgers answered that Court had adjourned until three o'clock, that the clerks would likely be back at two. He further stated, in answer to questions, that the Judge and clerks are in the habit of leaving after the despatch of the morning business, about eleven or half-past eleven until about two. This is, to say the least, an easy way for

CLERKS TO EARN THEIR SALARIES.

Friends of prisoners may come in seeking information only to find all the clerks absent and no one to give them any information. Of course that visit to the court proved abortive.

COMMISSIONER BAILEY'S STATEMENT.

About one o'clock a reporter met President Bailey in his office, corner of Eleventh street and Third avenue. Mr. Bailey stated that the commissioners early yesterday morning had before them all the parties supposed to know anything of the case, and among them Keeper Cunningham, who was evidently in a very unpleasant predicament, and that they had sent all the facts officially to Coroner Kessler. He stated that the Commissioners are determined to have the investigation as complete as possible, and if they find that any of their officers are blamable they will act very summarily; that Cunningham clearly should have sent for the prison doctor or his representative and informed the Judge of his discovery that the man was demented. Mr. Cunningham's excuse, he reports, is, that the judges are very sensitive about receiving suggestions from keepers, and hence he failed in this particular. President Bailey further stated to Coroner Kessler, who in the meantime had called, that there was a lack of discipline in the prisons. Warden Quin, of the Tombs, has general supervision of all the court prisons, and the doctors should never be absent without leave. In this case the father of the physician attending the prison had died and he was absent. He should have secured another physician to relieve him and asked permission to absent himself. In neither particular did he comply with these conditions, and consequently the keeper called no physician. The President assured the Coroner that the Commissioners would cheerfully render him all the aid in their power to make the examination a searching one. Coroner Kessler stated to the Commissioners that he had no doubt that the man's injuries were received in the Workhouse; that Dr. Hirsch, brother-in-law of deceased, stated to him that when he and a friend visited the island in search of the man, one of the attachés of the institution informed them that he had been beaten there.

HIS FELLOW PRISONERS.

Coroner Kessler further stated that he had examined informally yesterday all the parties sent him by the Commissioners, including the two fellow prisoners who occupied the open cell with Stockvis, and that he was satisfied they were lunatics. He had thought of sending them to the House of Detention as witnesses, but finally recommitted them to the custody of the Warden until they can be examined by a physician to determine whether they are mentally responsible, either as prisoners or witnesses. The Coroner declines to give to the press the reports and other data supplied him by the Commissioners until the inquest is held at one o'clock on Tuesday, as he fears the publication at this time might defeat the ends of justice. He has summoned

ABOUT THIRTY WITNESSES

and expresses the belief that the inquest will likely last a week. Among the witnesses summoned are the following:—Warden Kean, Engineer Golden, Keeper Houghs, Edward Johnson, James Fried, John Buckley and Searing Hobbins, all of the Workhouse; Thomas Brady and Peter Kerrigan, the lunatics; Captain Mount, Sergeants Robbins and Hamilton, Doorman McCreary and Officer Fallon, of the police; Judge Flammer and his clerks, Keeper Cuningham, Warden Quinn; the police surgeon of the Fifty-seventh street prison, the detective officer who made the search and found Stockvis entered as John Doe. Friends of the dead man will also be called to testify.

WHERE IS STOCKVIS' WARDROBE?

The Coroner stated that he is informed that when committed to the island the man was well dressed, and when discharged he was dressed in an inferior suit. He always carried a pocket handkerchief with his name upon it; as yet the family have been unable to secure the man's clothes. He also asserts that there is no doubt that Stockvis was paralyzed. Dr. Kessler examined him before his death, stuck pins into him and found him destitute of feeling.

CHANGE IN THE COMPLAINT.

The reason for changing the complaint by the Judge has not been fully explained. The original charge is simply "intoxication," that carries with it $10 fine or ten days' imprisonment. Then on the "temporary commitment" it is made "intoxication and disorderly conduct," and on the final commitment only "disorderly conduct." One theory is that when the officer first made the arrest he clubbed the man on the arm, and thus inflicted the injuries; that subsequently, discovering the man to be demented and fearing charges for clubbing a lunatic, he made the additional charge of disorderly conduct to justify his clubbing, and prevailed upon Judge Flammer to send the prisoner up for six months. It is said that Judge Flammer claims that the man was sent up for vagrancy.

THE RECORD CONTRADICTS

this, unfortunately for Justice Flammer. Here is the form of final commitment, copied from the original, yesterday found in the Tombs:—

City and County of New York, ss.—By Charles A. Flammer, Esq., one of the Police Justices for the city of New York, to the Sheriff or deputy sheriffs of the said city and county, the constables of the city of New York, the police patrolmen or officers of the police force of the city of New York, each and every of them, and to the warden, keeper or deputy keepers of the City Prison of the city of New York, these are, in the name of the people of the State of New York, to command you, the said Sheriff, deputy sheriffs, constables, police patrolmen or officers, forthwith to convey to the City Prison of the city of New York the body of John Doe, who stands charged before me, on oath of officer Timothy Fallon, with having, on the 20th day of February, 1875, at the city of New York, in the county of New York, been guilty of such disorderly conduct as in my opinion tends to a breach of the peace. Whereupon he was ordered to find surety in the sum of $500 for his good behavior for the term of six months; and having neglected to find surety these are to command you, the said warden, keeper and deputy keepers, and you and each of you are hereby required to receive into your custody, and safely keep in the said City Prison the body of the said John Doe, and him safely keep for the space of six months, unless he shall find surety as aforesaid, or be thence delivered by due course of law.

Given under my hand and seal, at the Fourth District Police Court in the said city, this 21st day of February, in the year of our Lord, 1875.

CHARLES A. FLAMMER, Police Justice.

"Disorderly conduct as in my opinion tends to a breach of the peace." That is a significant sentence truly! A poor paralyzed and demented man, unable to articulate an intelligible word, guilty of disorderly conduct! Let the Coroner see that the Judge and Officer Fallon testify minutely how he was disorderly. All the statements of those who saw him after his arrest is that he was as tractable as a child.

WHAT WARDEN QUIN SAYS.

Warden Quin states that President Bailey is mistaken as to his responsibility for the physicians to the court prisons. They do not report to him and he in no manner controls them. He states that he was never in any way informed of the absence of the doctor at the time the man was a prisoner. He defends Cunningham's action in failing to notify the Judge of Stockvis' condition on the ground that keepers who go to Judges with suggestions are frequently insulted or snubbed, and he does not propose to be snubbed by them. Notwithstanding this, one of the Tombs clerks reports that Warden Quin frequently consults the Judges as to the condition of prisoners.

JUDGE FLAMMER'S STATEMENT.

Judge Flammer, on being subsequently questioned by a HERALD reporter in reference to the charge that he hastily disposed of the deceased when he was arraigned before him, stated that he took more than ordinary pains to learn something about him. He spoke to him in German and English, and failing to get an answer from the man he directed the interpreter to question him. He also failed, and the Court then thought he might be deaf, and pencil and paper were accordingly handed to him to write, but he turned away his head. He had all the appearance of one who had been on a prolonged debauch, and he was committed to prison on the following affidavit made by Officer Fallon, of the Nineteenth precinct, who had arrested him:—

That on the 20th day of February, 1875, at the city and county of New York, he (Timothy Fallon) arrested John Doe (now here) in a state of intoxication, in Third avenue, near Fifty-fourth street, in violation of law, and that he was very disorderly, collected a crowd and was fighting.

"The officer stated in a general way," said the Judge, "that he was disorderly, which I never regard as satisfactory without some specific acts being charged. Hence, upon a further explanation from the officer, I added in my own writing, the remainder of the affidavit being in that of the Court Clerk, the words, 'collected a crowd and was fighting.'" On the back of the affidavit appears "$10 fine," erased, which the Judge explained by saying that he did not intend to punish the man, for he considers the imposition of a fine is a punishment, but left it with a simple direction for bail to keep the peace, so that he could not get out until some person should give bail for him, or his conduct should be satisfactorily accounted for. This he thought more advisable than to let the man go out on the streets and be in danger of being frozen to death. This effect of putting under bail is corroborated by the result, which was, that on the first application therefor, which was by a relative, Dr. Hirsch, a discharge was at once granted. "The practical effect," the Judge said, "of ordering a person to give bail to keep the peace would be not to incarcerate a prisoner absolutely for the period of time in the full commitment, but only until the Justice can be satisfied that the safety of the prisoner and the public is secured." Judge Flammer further stated that, while the affidavit might have contained two distinct charges of intoxication and disorderly conduct and also the temporary commitment, yet the charge of intoxication was regarded as merged in that of disorderly conduct, and for that reason a full commitment for disorderly conduct alone was made out.

DR. HIRSCH'S STATEMENT.

A HERALD reporter called last evening at the residence of Dr. Hirsch (brother-in-law of the late Mr. Stockvis), at his residence in Fifty-fourth street, near Lexington avenue, with the view of learning from him the circumstances attending the disappearance from his home and the discovery of that unfortunate person on Blackwell's Island. The Doctor, a gentleman of the old school, courteous and sensitive, readily consented to give all the information in his power. In the first place he desired to state that he denied in the most emphatic terms the statement made by Captain Mount, as reported in yesterday's HERALD. Dr. Hirsch visited the Fifty-ninth street station house—being the nearest one to his dwelling—only once, and that was about eight o'clock P. M. of the day that Mr. Stockvis left his residence for the last time, and not, as represented a few days after the occurrence. He made no representation to the effect that Mrs. Stockvis had sent him, as he acted entirely on his own motion, for the reason that deceased was rarely or never absent from his home any considerable length of time during the day. He obtained information from his nephew on this point, and knowing the infirmities of Mr. Stockvis, he felt a natural anxiety as to his safety. What really did happen at the station house was as follows:—Dr. Hirsch first addressed the Sergeant on the subject, and in a few minutes Captain Mount appeared. The latter, who could give him no tidings, suggested that the best way was to put the matter in writing and have it promptly sent to Police Headquarters. This suggestion was at once acted upon, and the son of Mr. Stockvis, who accompanied the Doctor, went without delay to Mulberry street and left the paper there in the hands of the official in charge, who informed the young man that it would receive proper attention.

A VISIT TO POLICE HEADQUARTERS.

On Sunday (next day) Mrs. Stockvis visited Police Headquarters, and was told no information had been obtained concerning the missing man. Later in the same day, accompanied by her son, she went again, and, after giving a description of his personal appearance and of the clothing worn by her husband when he departed from his dwelling, was informed that when any intelligence was obtained information would be sent to her by telegraph. In the meantime the members of two families and their friends were engaged in making inquiries in every direction—in the towns of New Jersey, Long Island and in the city. Advertisements were inserted in the HERALD requesting information, but all that could be obtained for several days was that Mr. Stockvis was last seen at a business house in Reade street late in the forenoon of the day of his disappearance. The family repel with indignation as false the statement that their unhappy relative was addicted to intemperate habits, and Dr. Hirsch stated that he felt, if such were possible under the circumstances, wounded in his feelings at such an utterly unfounded statement as that of Captain Mount, to the effect that he informed this officer "that he (Stockvis) was in the habit of going on these burrans, and his wife would send to hunt him up." The statement, he said, was utterly untrue. So as to leave no stone unturned to find the missing gentleman, his photograph, with full particulars, were sent to Coroner Kessler two days after his disappearance.

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