

Tumblety's Surgical Knives

By MICHAEL L. HAWLEY

A marked change occurred in Francis Tumblety's professional life beginning in the 1870s. Ever since he opened up his first Indian Herb doctor office in London, Ontario, in 1857, the traveling alternative doctor maintained a very consistent and lucrative business plan, ensuring his name was plastered in all the local newspapers. As he moved onto the next city, he would temporarily open up an office, then aggressively advertise his Dr. Francis Tumblety, M.D., brand in the local papers. He also published multiple testimonials of previous prominent patients, who suffered from all known diseases, announcing themselves completely cured by the good doctor's prescribed medicines.

By the early 1870s, though, Tumblety no longer added his name to the ads, and by the end of the decade he ceased advertising entirely. This produced a problem for researchers tracking Tumblety's movements throughout his life using newspapers, causing a sort of 'zone of silence' between 1878 and 1888, the year of the Whitechapel murders. Additional sources of information show that Tumblety switched to a semi-retired existence, no longer maintaining offices in North America; commonly claiming to be a retired surgeon.

One consistent pattern of behavior throughout the decades that occasionally made the papers, even during the zone of silence, was his habit of interacting illegally with young men and getting himself arrested. This occurred in March 1881 in New Orleans, and certain overlooked details of this event are actually important in the 1888 Whitechapel murders mystery – specifically, Tumblety travelling with surgical knives, the very implements likely used by Jack the Ripper.

On Thursday evening, March 24, 1881, Francis Tumblety was arrested in New Orleans by private detective Dominick C. O'Malley of O'Malley Detective Agency and Police Protection and jailed in the Third Police Precinct Station.¹ He was charged with petit larceny for allegedly pickpocketing the pocket book of young

Henry Govan, a clerk in the US district attorney's office in the Customhouse. Govan claimed his pocket book had between \$50 and \$100.

According to two daily New Orleans newspaper reports in the March 25, 1881, issues of the *Times-Democrat* and *Daily Picayune*, O'Malley's arrest report stated that Tumblety and Govan first met on Canal Street on Tuesday, March 22, 1881, then had a social drink for about an hour at Wenger's Saloon. Tumblety asked Govan to meet up again the following morning on Wednesday. After waking, Govan changed his mind and decided to go straight to work instead. Just outside the Customhouse awaited Tumblety, who engaged Govan and pressured him to walk with him and smoke cigars. After their smoke, Govan insisted he had to go to work and left, but once he reached his office he realized that his pocket book was missing from his breast pocket. He returned home and searched but could not find it. He then recalled that Tumblety's hand was near his breast pocket, and became convinced that Tumblety had stolen his money. Govan rushed to the police station to report the theft to Captain Malone. Govan had no idea where Tumblety was rooming, so Malone explained that he would first need to assist a police officer in finding him. Govan, though, felt frustrated that the captain was not placing a priority on his complaint, so under the recommendation of workmates hired a local private detective, Commissioned Special Officer D.C. O'Malley. O'Malley immediately escorted Govan on the streets and quickly determined that Tumblety was rooming at a boarding house on Canal Street. No address was given in the papers.

The *Times-Democrat* of March 25, 1881, details the encounter:

The doctor was at home and seemed glad to see his visitors until O'Malley accused him of the theft when he signified his willingness to go to jail, but, according

1 *New Orleans Item*, March 25, 1881.

to O'Malley's statement, attempted to compromise by offering to make the amount good. O'Malley was, however, firm and called on Officer Landrigan to watch the room while he conveyed the prisoner to jail. Landrigan, however, refused to have anything to do with the case, and O'Malley was therefore forced to escort the prisoner to jail, leaving the room which, as he states, contained lots of burglars' tools and **a box of medical instruments** to take care of itself. *[Author emphasis added]*

In the *Times-Democrat* the next day, the report stated that O'Malley had Govan retrieve Officer Landrigan. Note that O'Malley purposely had the police present during the initial arrest in Tumblety's room. Officer Landrigan could now be used by either the prosecution or defense as a witness, including what he saw in the room.

This report is the very first time Tumblety is reported to possess a box of medical instruments. The *Daily Picayune* reported only the burglary tools, which makes sense that they singled them out since a thief may very well own burglary tools.

O'Malley then claimed in his report that as he escorted Tumblety to the police station, Tumblety admitted stealing the money, and they would "find the money in his bureau tied up in a piece of paper." The *Times-Democrat* reporter stated that on Tumblety's person were "a lot of diamonds of fabulous value, in fact the stone in one of his rings was as large as a rifle ball, and was supposed to be worth an immense amount of money by all who saw it." The *Daily Picayune* reporter gave further detail, which may be of some significance: "On his person, were found two extremely valuable solitaire diamond rings, two cluster diamond rings, **a large amount of money**, stocks and bonds, and a magnificent gold chain and a small gold watch." *[Author emphasis added]*.

When Judge Miltenberger set a future court date at the arraignment he issued a \$250 bond, which Tumblety immediately paid. This supports the *Daily Picayune* reporter's account that Tumblety did indeed have a large amount of money on him.

O'Malley then sought out Judge Miltenberger for a search warrant, the reason being primarily to retrieve the burglary tools, and secondarily to collect the money. Later, Judge Miltenberger stated that O'Malley claimed Tumblety spoke "thief slang" to him as he escorted Tumblety to the police station. This, along with O'Malley's claim that there were burglary tools in the room, convinced the judge to issue the warrant. While O'Malley found the money, the tools were gone.

The *Daily Picayune* of March 25, 1881 reported:

Detective O'Malley states that the Doctor acknowledged to him having stolen the pocket-book, and told him where he could find a portion of the money. As O'Malley claims to have observed a quantity of burglars' tools in the Doctor's room, he obtained from Judge Miltenberger a search warrant and went back to the room. Arriving there he found \$30 65 wrapped in a piece of newspaper lying on the bureau, but the burglarious implements were not there.

So says D.C. O'Malley.



DR. TUMBLETY.

The two other witnesses to these events were Henry Govan and Francis Tumblety. The newspaper reporter stated seeing Tumblety behind bars at Third Station on the evening of his arrest on November 24, 1881, and noted that Tumblety refused to speak. At the arraignment in front of Judge Miltenberger, Govan corroborated O'Malley's testimony, with minor variations, curiously completely denying having had a social drink with Tumblety at Wegner's Saloon.

On the evening of the arrest Tumblety sent for the British Consul, the Honorable Albany De Fonblanque. From 1865 to the mid-1870s, Tumblety – a British subject, since he was born in Ireland – had been using the British Consulate for legal assistance in retrieving money he claimed the US Government had taken from him in St. Louis in 1865, when he was arrested on suspicion for the Lincoln assassination.² It makes sense that Tumblety

² Chetcuti, J., Two Affidavits, *The Whitechapel Society Journal*, December 2015.

used the British Consul as his attorney, since he claimed on record that he was a retired British surgeon.

The *Times-Democrat* reporter was at Third Station the evening of the arrest, and interviewed the British Consul after he met with Tumblety:

During the evening Mr. De Fonblanque, the English consul, called at the station and interested himself on behalf of the prisoner. He said that Dr. Tumblety was very wealthy, a gentleman of refinement and education, and one of the best known physicians in the country, and was traveling for pleasure, having arrived in this city on the 25th of February.

Once the judge heard O'Malley's account of events, which was reported in the papers, Tumblety was now eager to speak to reporters and tell his side of the story. He stated to the *New Orleans Democrat* correspondent, as reported in their March 26, 1881 issue, that Govan was trying to convince him to get involved in a gambling scam, and that Govan and O'Malley were trying to blackmail him. Tumblety claimed that O'Malley was repeatedly trying to "square up this business" if he would pay him about \$1,000. As for the money wrapped in paper on the borough, Tumblety stated that it was his and he placed it there in front of O'Malley when he was changing his trousers. Tumblety also stated that Govan's claim of his forcing his acquaintance on the latter was absolutely false, and that having burglary tools in his room was ridiculous.

The reporter for the *Times-Democrat* added further details in their March 26, 1881 issue:

He [Tumblety] seemed to think that O'Malley and Gaven, seeing that he was wealthy, had arranged to plan to force him to contribute to their depleted finances, and with that object in view had arranged the arrest. When O'Malley first entered the room, according to the doctor's statement, he approached him and said: "Well, you have picked this young man's pockets, and I advise you to square it." The doctor of course, feeling perfectly innocent of the charge, declined to square anything and said that he would go to jail before he would give up a cent. O'Malley then sent Gaven for a policeman, and while he was gone O'Malley repeated his request for a settlement, saying that he would square the whole case if it was made worth his while. By this time the doctor, who was half undressed, had arranged his attire, but while so doing had placed a package containing forty five dollars on the bureau, which he asked O'Malley to let him take, but the latter refused and hurried him off to jail. On the way to the station he informed the police officer where the money was, and thinking that he might need it during his confinement, requested that it be

sent for and give to him. He denied most positively that he had offered O'Malley any money, and said that if he had, O'Malley would certainly have released him.

O'Malley stated he never saw the money when he arrested Tumblety, and only became aware of it when Tumblety confessed as they made their way to the police station, while Tumblety claimed O'Malley observed him placing the paper-wrapped money on the borough during the arrest.

In the *Times-Democrat* of March 26, 1881 it was reported that Tumblety then claimed he asked the police officer to retrieve the money just in case he needed it; "On the way to the station he informed the police officer where the money was, and thinking that he might need it during his confinement, requested that it be sent for and given to him." Both O'Malley and the police officer, Officer Landrigan, refused.

Recall that according to the *Daily Picayune* reporter in their March 25, 1881 issue, Tumblety's personal effects at the police station the night of the arrest included a large amount of money. This seems to contradict Tumblety's claim that he may need the money on the borough, since he already had a large amount of money.

The landlady, Mrs. Field, did bear witness to the police in the form of a letter and corroborated Tumblety's story, especially about him having no burglary tools in the room. The *New Orleans Democrat* of March 26, 1881 published Mrs. Field's letter:

New Orleans, March 25, 1881.

Mr. Pecora:

Sir – Seeing a statement in the morning papers that burglar's tools were found or seen in the room of Dr. Tumblety, I take it upon myself to say it is false. Nor during his stay in the house has he locked and seldom closed his door when leaving his room. Frequently, when passing through the hall, I would go in and close the bureau drawers and close the door. Knowing that everything was so carelessly strewn over the room. Beyond books, papers, letters and clothing, nothing more dangerous, not even a pistol, has any inmate or servant seen. On Tuesday morning, when he paid his bill, he had a large amount of money, and it does not seem probable he would take a pocket book containing only \$50 or \$100. From the time Dr. Tumblety left his room with the officers not a human being entered until they returned with a search warrant, and I was present during their search, which resulted in finding \$30 65 in silver lying on the bureau. No tools or **surgical instruments** were moved from the room, I assure you. Very respectfully, Mrs. Field [*Author emphasis added*]

While a number of modern researchers have concluded that the burglary tools never existed, and Henry Govan and D.C. O'Malley did indeed conspire against Tumblety in a blackmail scheme, aka a put-up job, it must be noted that the only contemporary source for this claim is Tumblety himself.

In court, there is a Latin-phrased guiding legal principle for jurors when listening to witnesses, *falsus in uno falsus in omnibus*, which means, "false in one thing, false in everything." In other words, if a witness falsely testifies about one matter then it is perfectly appropriate to consider them not credible about any matter. Tumblety lied in court on other parts of his testimony, such as claiming to be a retired British surgeon and serving in the French and British armies. Also, Tumblety's attorney, the British consul, told not only the police that Tumblety was a retired British surgeon, but this was part of his counter-argument in court, in order to demonstrate that Tumblety was not a thief, as reported in the following two newspapers:

Dr. Francis Tumblety was arraigned before Judge Miltenberger this morning... He [Tumblety] claims to have served in the French army as (a) surgeon in 1870 and 1871, and prior to that in the British army in East India. (*Times-Picayune*, March 26, 1881)

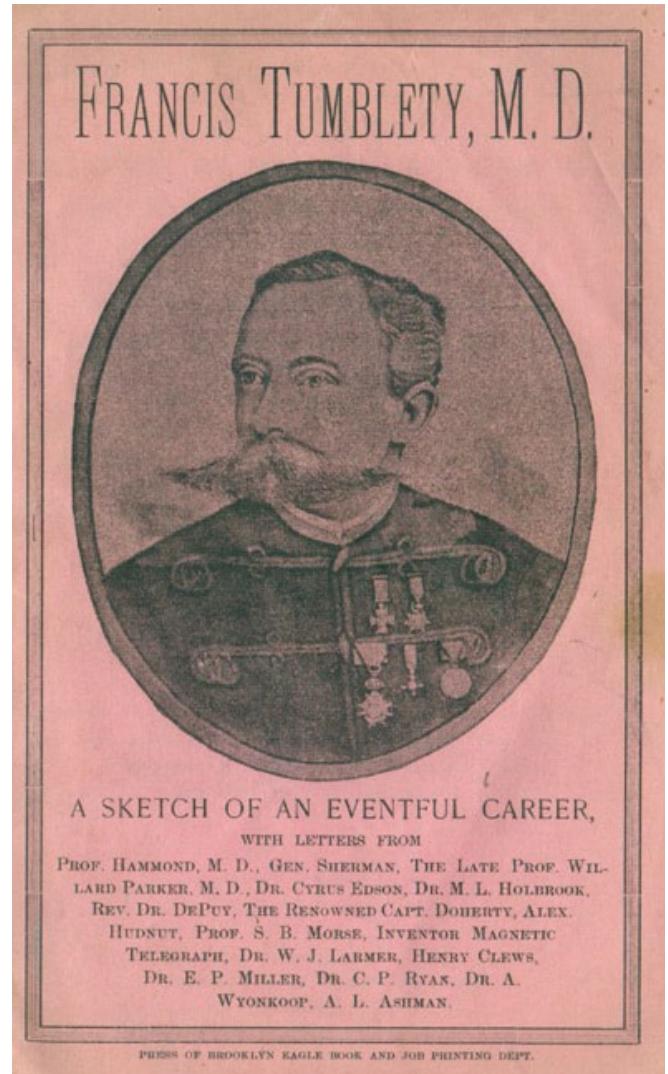
During the evening Mr. De Fonblanque, the English consul, called at the station and interested himself on behalf of the prisoner. He said that Dr. Tumblety was very wealthy, a gentleman of refinement and education, and one of the best known physicians in the country, and was traveling for pleasure, having arrived in this city on the 25th of February. (*Times-Democrat*, March 25, 1881)

Keep in mind that O'Malley insisted upon police involvement when he directed Govan to retrieve the first officer he encountered on the streets in order to get his assistance and watch the room so the burglary tools and medical instruments were not left alone. It was the police officer, Officer Landrigan, who refused to stay in the room. When O'Malley sought out the search warrant in order to return and collect the tools, he knew full well Landrigan could testify against him if he was lying.

Also, if O'Malley and Govan were conspiring against Tumblety, then why did Govan contradict O'Malley's testimony about the social meeting at Wegner's Saloon, which was a significant part of the background story? Denying to the judge that the event did not occur goes directly against O'Malley's credibility.

Also, Judge Miltenberger did not conclude that Tumblety was truthful and O'Malley was untruthful, he

merely concluded that there was not enough evidence to convict. Even the subsequent case against D.C. O'Malley in Criminal District Court was dropped when it was discovered that O'Malley was considered a credible and dependable detective by the US government and by prominent New Orleans law firms.



In the *New Orleans Democrat* of April 3, 1881 it states, "Several other witnesses testified that O'Malley had had employment from the time he first came to this city up to and including the present; that he was for a long time in the employ of the special agents of the United States, and had since then been engaged by prominent lawyers of this city to do detective work."

Curiously, the police began their own investigation soon after O'Malley returned from executing the search warrant. In the *Daily Picayune*, March 25, 1881, it states:

As the matter appeared to be very suspicious, an investigation was ordered and Aids** Pecora and McDonough proceeded on their errand to Dr. Tumblety's room. His landlady avers that he is a perfect gentleman and highly educated and was very

prompt in settling his indebtedness to her and others. He came to New Orleans on the Friday previous to Mardi Gras [Author's Note: Mardi Gras began on March 1 in 1881, so the Friday before was February 25, 1888], and remained here ever since. He received a great many visits principally from young men between the ages of sixteen and twenty years, with whom he appeared very intimate, some of them remaining with him all night.

The *Times-Picayune*, March 26, 1881, adds further details on the police investigation; police officials clearly rejecting O'Malley's account:

From a statement made by Detective M. Hennessey, who has been investigating the case, it is learned that a piece of a file was found lying on the table in the Doctor's room. He claims to be in possession of evidence to show that the piece of file was left on the table by O'Malley for the purpose of leading to the belief that there were burglars' tools in the room and that they had been removed. The matter will doubtless be thoroughly investigated.

A couple of facts seem not to fit police officials' claim that O'Malley placed a piece of broken file on the table in Tumblety's room when he returned with a search warrant. Hennessey's key witness was Mrs. Field, the landlady. She testified in court that she was present when O'Malley returned to Tumblety's room with court officers. The *New Orleans Democrat* of April 3, 1881 stated, "she seen O'Malley when he came to Dr. Tumblety's room with the court officers drop something into a paper on the bureau, which she was satisfied was the pair of files which had afterward been found."

First, Detective Hennessey stated it was a piece of file, while Mrs. Field testified that there were a pair of files. Second, Hennessey stated the piece of file was found on the table, while Mrs. Field stated she "was satisfied" that the two files in the paper was placed on the bureau. Lastly, there was indeed an object on the bureau wrapped in paper and that was the roll of coins; a fact contested by neither side. In fact, one of the court officers with O'Malley, Officer Journee, testified that he retrieved the coins off the bureau and they were depleted to \$15. It seems likely that Mrs. Field was telling the truth, but misidentified the few coins in paper for a pair of files in paper. Mrs. Field made no mention of something on the table, which suggests O'Malley did not place anything on the table. Besides O'Malley and Mrs. Field, there were also multiple court officers in the room, officials with no loyalty towards O'Malley. Once O'Malley discovered that the tools were gone, he and the multiple court officers would have searched the room in the presence of Mrs.

Field. It seems unlikely that O'Malley would risk losing his private detective business by getting caught planting evidence on a minimal job. Even the *Times* reporter had visited the room the evening of March 24, 1881, and files were not mentioned in his report.

If the piece of file was not in the room yet the police claimed it was, the only conclusion is that they planted the evidence, or merely made up the story entirely. This would mean the police were illegally setting a trap against D.C. O'Malley. Might the police have been using the Tumblety-O'Malley case against D.C. O'Malley? Note what transpired immediately after the judge heard the case.

The Tumblety-O'Malley case was adjudicated by Judge Miltenberger on March 29, 1881, and it went Tumblety's way. The judge dropped the case for lack of evidence, but immediately after the verdict, the police arrested O'Malley in court for carrying a concealed weapon and being a dangerous and suspicious character. The *Times-Picayune* of March 30 1881 reported that O'Malley waived examination on a charge of carrying concealed weapons and was sent before the Criminal District Court. In the *Weekly Iberville South*, April 2, 1881, out of Plaquemine, Louisiana, the O'Malley arrest goes into further detail:

The charge of pickpocketing was unfounded and the prisoner was discharged. The British consul [sic], appeared in his official capacity and managed his client's case in a very able manner. O'Malley, the private detective has been the unfortunate victim of persecution at the hands of the regular police detectives, because of his participation in the case. It seems that he accumulated sufficient [sic] evidence to prove a prima facie case against Tumblety, and this more on the part of a private detective aroused the ire or it may be the jealousy of the regular detectives. The first man to vent his ire was Captain Bachemin of the Third Precinct station, who arrested O'Malley in Court on the charge of being a dangerous and suspicious character.

The following newspaper article suggests the police, specifically Detectives David and Michael Hennessy, had it in for D.C. O'Malley the day he began the O'Malley Detective Agency. Remember, the newspapers stated that Detective M. (Michael) Hennessy, cousin to the future chief of police David Hennessy, was assigned the O'Malley-Tumblety case. Both Michael and David Hennessy were detectives in 1881 and worked on many cases together. An article in the *Deseret Weekly*, March 28, 1891, titled 'New Light on the Lynching', quotes a Chicago "gentleman" who was a transplant from New Orleans. The article states:

To be understood I must go back to the day when New

Orleans had but one detective concern. This was the Boylan detective agency, a firm that had done business in the South for years. It enjoyed a monopoly and had no completion until the O'Malley agency entered the field.... D.C. O'Malley was the head of the agency, a detective of unusual acumen and ability, but absolutely unscrupulous in character.... O'Malley simply cut the ground from under the feet of the Boylan agency and made money. David C. Hennessy was Boylan's partner, and, of course, O'Malley's competitor. Both Hennessy and O'Malley were men of unquestioned courage. The fierce business competition engendered a bitter strife between them.... O'Malley was arrested dozens of time for carrying concealed weapons...

It will never be proven if Tumblety stole Govan's pocket book or not, but based upon his history of soliciting literate young men for the primary interest of sexual encounters, it is highly likely Tumblety's initial intention was not theft but the sexual company of a young man. Tumblety was not known to be a thief, with the exception of one event. His nephew Thomas Powderly did state under oath that Tumblety was arrested in Chicago in the 1880s for stealing an insignificant item out of a store.³ Govan did push the case all the way to a court decision, which suggests that he was convinced Tumblety took his pocket book.

It also does not make sense that Govan was merely attempting to convince Tumblety to get involved in illegal gambling. Govan was an educated clerk working for the US District Attorney, and was not someone merely employed as a laborer.

Curiously, there is an interesting connection between the Tumblety-Govan incident and gambling. Note that Govan and O'Malley initially suspected Tumblety of being a conman. In the *New Orleans Times* of March 25, 1881, the subtitle is 'A Supposed Roper-in Put Behind Bars'. Govan claimed that Tumblety first approached him like a "first-class roper." In New Orleans, a "roper-in" was a high-pressure salesman working the streets to convince customers to enter their establishment, and this was common in front of gambling houses.⁴ How curious that Tumblety claimed Govan was doing that very thing, as recorded in the *Times-Democrat* of March 26, 1881:

He [Tumblety] said that he had met Govan on numerous occasions, but did not fancy him as he tried to rope him into gambling saloons, and seemed to have to be a sharper.

Govan was more than likely told by Tumblety that he was a retired surgeon, as he did with all of his young men in the 1880s, but after he was convinced this roper-in, pushy conman stole his pocket book, he likely believed

the surgeon story was a lie. It was Tumblety's MO to push himself upon literate young men. Just weeks earlier, Tumblety did the very same thing to young Richard Norris and Norris was concerned Tumblety was a conman.⁵ Under sworn testimony in a court case in 1905, Norris told the judge about his first encounter with Tumblety in New Orleans around February 25, 1881:

I told him I was then employed by the American District Telegraph Office, in charge of the telephone exchange here, when it was up in the Denegre Building; and he told me that he was a surgeon, drawing a pension from the government, and that he was a stockholder in the Western Union. I think he was he then had Ninety Thousand Dollars of stock in the Western Union. Well, I was pleased to meet him, thought he was a fine man, and a stranger. He took me to Lamothe's and gave me a supper, and asked me to go to his room with him, wanted me to write a letter for him. He had a room at the St. Charles hotel at the time.

...He took me to Lamothe's and gave me a supper, and asked me to go to his room with him, wanted me to write a letter for him. He had a room at the St. Charles hotel at the time. I told him I was out late, that I lived uptown quite a distance and I could not go with him, because my people objected to my staying out late; in fact, I was afraid of him. He had some large diamonds on him, and I thought he was a confidence man, or a burglar.⁶

In the following statement, Norris is referring to a separate event, which occurred weeks later. Interestingly, while no newspaper reports stated where Tumblety roomed on Canal Street during the Govan incident in late March 1881, Norris fills in the gaps:

...he did everything, coaxed me, and done everything, offered me money, and made me promise that I would be back the next morning at 10 o'clock. He gave me twenty Dollars that night. So I was there the next morning and I met him coming out of the door. He asked me to go down to the Customhouse that morning with him. He was not at the Charles hotel then, he had changed his place - I don't know for what cause he had changed his place, but he had changed to Old No. 190 Canal street.

3 Circuit Court Archives, City of St. Louis, State of Missouri, Case Number 31430, Series A., 1904 - 1908.

4 Asbury, H., *Sucker's Progress: An Informal History of Gambling in America*, Thunder's Mouth Press, 2003.

5 Circuit Court Archives: op. cit.

6 Ibid.

So, where did the burglary tools and medical equipment go? Might the police have secretly confiscated the burglary tools and medical equipment before O'Malley returned with a search warrant? This Mrs. Field would have witnessed, so the scenario seems highly unlikely. Mrs. Field was present when Officer Landrigan was in Tumblety's room during the initial arrest, who then went with Tumblety and O'Malley to the police station. She was also present when the detectives returned to do an investigation after O'Malley executed the search warrant.

There is evidence that the burglary tools may merely have been a case of mistaken identity; and they were referring to a Civil War era medical, or surgical, kit.



A nineteenth century surgical kit came in a flat box and generally consisted of a flat tray housing at least four long Liston knives, each having a blade successively longer. The tray fit in the box and on top of the rest of the instruments, an amputation saw, a tourniquet ratchet and strap, forceps, a bone brush, scalpel, trephines (hole saws used to remove tissue or bone, a lancet, tweezers, and a Heye's saw (round saw the size of a silver dollar).⁷

Both O'Malley and Govan entered Tumblety's room believing that Tumblety was a conman, and if they did see surgical tools, then some of these implements, less recognizable to anyone not a surgeon, may have looked like the tools-of-the-trade for burglars. If the tray was out of the box, it would look like two separate groups of implements.

If O'Malley (and Govan) was making the story up about Tumblety having a box of burglary tools AND medical instruments in his Canal Street room, then O'Malley just muddied the waters for his own case. While it is understandable why O'Malley considered burglary tools critical in a theft case, reporting the discovery of surgical instruments actually supported Tumblety's claim of being an upstanding retired surgeon. Surgical instruments were expensive, and would have been a physical testament to his profession. It makes sense that Tumblety would travel with surgical tools, since he generally told his young men that he was a retired surgeon.

Case in point: A young Martin H. McGarry stated to a *New York World* reporter on December 4, 1888 that in July 1882, one year after the New Orleans affair, Tumblety introduced himself as a former Army surgeon before recruiting him, stating, "...Here he studied surgery, and when the war broke out he was an army surgeon."

Tumblety even laid the surgeon groundwork in his 1872 autobiography, writing that he was a disciple of Abernathy, an early 19th century English surgeon, that he was asked by Civil War General McClellan to join his surgical team in 1861, and that he was commissioned as a surgeon by two separate European countries.⁸

Also, conflicting with the claim that the tools and instruments never existed are O'Malley's actions during the arrest. He purposely involved the police, an organization who demonstrably hated O'Malley. The only reason why O'Malley asked Officer Landrigan to stay in Tumblety's room while he escorted him to the police station was to ensure chain of custody for the burglary tools and box of medical instruments. This is why O'Malley made the comment that these tools and instruments are left alone "to take care of itself." Landrigan never testified that the burglary tools and medical equipment did not exist, but could have if the story was made up, and O'Malley would have known this.

We now have sworn testimony of an eyewitness to Tumblety's surgical instruments at the very same time he was in New Orleans in 1881.⁹ The eyewitness also stated the surgical instruments were even found in a box-like container, and that person was Richard Norris.

Norris stated that Tumblety introduced himself during intermission of a performance at the St. Charles Theatre and stated he just arrived in New Orleans for the Mardi Gras holidays, which was in late February or early March. He told Norris that he had a room at the St. Charles Hotel. After buying Norris and his friend dinner, Tumblety asked Norris to come to his room to write a letter. Norris admitted under oath that he used to take tricks as a male prostitute in the early 1880s for money, so he "took a chance." When Norris was in Tumblety's room:

He then opened a large trunk (but in the meantime ordered some more ale) and he pulled out a velvet chest which had, I judge, four - three or four medals

7 Mutter Museum of the College of Physicians of Philadelphia, Memento Mutter, Civil War Surgical Set, Cut to the Chase, 2016. Available at memento.muttermuseum.org/detail/civil-war-surgical-set

8 Tumblety, F., *Narrative of Dr. Tumblety*, Russells' American Steam Printing House, New York City, 1872.

9 Circuit Court Archives: op. cit.

on each side – they looked to me like gold medals. He told me they were awarded to him by the English Government. Then there was a sort of tray in the trunk, and there were all sorts of large knives in there, surgical instruments – that is, I did not know what they were at the time.

The *Times-Democrat* reporter visited Tumblety's Canal Street room the night he was arrested and reported on the medals he witnessed in their March 25, 1881, issue:

Dr. Tumblety is in possession of a number of medals and decorations which should be a guarantee to his respectability. He has an elegant gold medal, presented by the citizens of Montreal, Canada, on March 4, 1858, for his skill as a physician; a Maltese cross presented on September 24, 1860 (?), by His Royal Highness, Prince of Wales; a cross of the legion of honor presented by Napoleon; an iron cross from the emperor of Prussia; a decoration from the emperor Austria, another from the czar of Russia, and a number of other medals and decorations from other notables.

While Norris' first interaction was in Tumblety's St. Charles Hotel room, he does comment on Tumblety threatening him with "one of those big knives" when he was in his 190 Canal Street room, corroborating Tumblety having surgical instruments in this room. Never did the newspapers report that the Canal Street room was Old number 190:

...he never attempted to do anything wrong with me until one night he took me to his room, and he locked the door on me. I don't know whether he was humbugging or not, but he did make a bluff at me with one of those big knives. He said, "You cannot get out of this room while I have this".

...He was not at the Charles hotel then, he had changed his place – I don't know for what cause he had changed his place, but he had changed to Old No. 190 Canal street.

Norris never realized that Tumblety rented both rooms, the St. Charles Hotel room and 190 Canal Street room, at the same time. Recall, Mrs. Field stated that the day Tumblety arrived in New Orleans on February 25, 1881 he began to rent from her on Canal Street. Actually, Tumblety even rented out a third room. The *Times-Democrat* reporter stated in the March 25, 1881 issue, "His board bill at the City Hotel, he boarded, was always promptly paid and as was his room rent at his establishment on Canal street."

Just as O'Malley reported the medical equipment in a box, Norris referred to a "sort of tray." This is exactly how

Civil War-era surgical knives were housed. The knives were in an actual tray that fit in the thin box on top of the other instruments. Norris then repeated, "There were large knives in the trunk." This actually explains why the landlady, Mrs. Field, never saw the surgical instruments. In her letter, she commented upon witnessing objects strewn around the room, but never commented upon opening up his trunk. While it was appropriate for her to clean his room, it would not have been appropriate for her to open up his travel trunk. Even the newspapers inferred the tools were out in the room and the files were supposedly on the table.

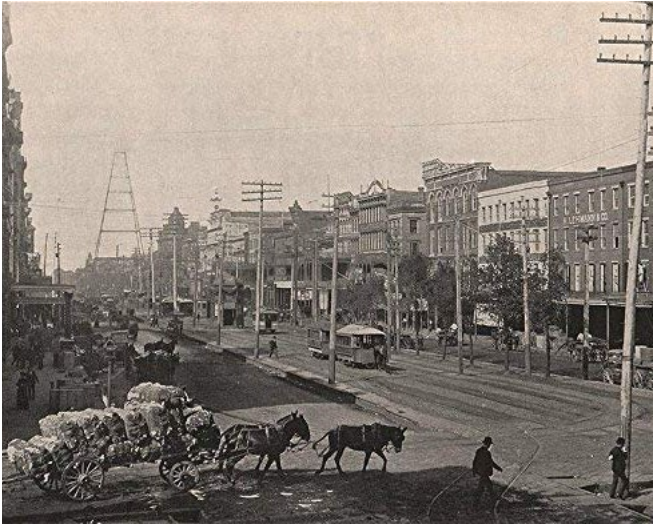
Norris' testimony may actually explain where the surgical instruments went between Tumblety being arrested and O'Malley returning to his room with a search warrant. Recall, after O'Malley arrested Tumblety Thursday night, Tumblety was jailed overnight until he was arraigned by Judge Miltenberger and allowed bail. Reporters witnessed the British consul attending to Tumblety the evening of the arrest, meaning Tumblety quickly and appropriately called for his legal counsel.

Strangely, Tumblety called for someone else even before calling for his attorney, and that was young Richard Norris:

Well, I remember when he was arrested in the Customhouse by Dominick O'Malley, who claimed that he was robbed by this man Tumilty. That was published in all the papers in this city. **He sent for me that evening**, and he told me what an awful city this was, that a man couldn't go around without being molested, that he would **send over** and prove who he was through the **English Consul**.¹⁰ [Author emphasis added]

Although, some of Norris' recollections were off, he certainly remembered meeting Tumblety face-to-face the evening of his arrest AND before Tumblety even met with the English consul. This means Norris spoke to Tumblety at the police station while he was in jail. This meeting must also have been before the reporters arrived at the station, since no-one mentioned Tumblety receiving guests. This begs two questions: First, why would Tumblety send for Norris the night he was in jail? Norris as a young man had no authority or influence to assist in his release. Second, why did he send for Norris even before he sent for his legal representative, the English Consul? Tumblety had already developed a weeks-long relationship with Norris; a relationship that lasted for another twenty years.

10 Circuit Court Archives: op. cit.



Canal Street, New Orleans

A logical scenario is that Tumblety sent for Norris to accomplish a task, which required prompt action, since he called upon Norris before his own attorney. If it was to go back to his room, Norris was the obvious choice, since he had already been to Tumblety's 190 Canal Street room, and could get there in minutes. Even Norris' own comments suggest what this task involved – his knives. On the two occasions Norris testified about the Dominick O'Malley arrest, he immediately commented upon Tumblety's knives:

Then there was a sort of tray in the trunk, and there were all sorts of large knives in there, surgical instruments – that is, I did not know what they were at the time. After that he was arrested, supposed to be a bad character; it was a sort of put up job at the time, to find out what he really was.

Well, I remember when he was arrested in the Customhouse by Dominick O'Malley, who claimed that he was robbed by this man Tumilty. That was published in all the papers in this city. He sent for me that evening, and he told me what an awful city this was, that a man couldn't go around without being molested, that he would send over and prove who he was through the English Consul. The newspapers published that there were burglar tools found in his trunk, and the next day they contradicted it, saying they were surgical instruments.

The pattern of evidence suggests that it was Norris who sneaked into Tumblety's room and grabbed the surgical instruments before O'Malley finally obtained a search warrant. Not only did Norris visit Tumblety in jail before the British Consul, his discussion of the incident consistently involved Tumblety's knives. Norris' recollection of the O'Malley affair was inaccurate in certain cases, as would be expected when recalling

an incident that occurred 24 years earlier, but Norris certainly recalled Tumblety's knives in connection to the affair. Notice how Norris never considered the burglary tools and surgical instruments as two separate sets of implements, which supports the claim that the burglary tools were a case of misidentification.

Tumblety then quickly met up with Norris again once he was released from jail; a recollection demonstrating a first-hand account, just as Norris' recollection of the actual address of the Canal Street boarding house:

The following day, Sunday I think it was, he asked me to take a ride out to the Lake. I said, "Doctor, I feel pretty bad about that; I would not like to be seen in your company, you being accused of this; you say, you are innocent, but I don't know anything about the case. He said, I wouldn't stay in this town another day, but still, he says, I am advised to stay in town and have this man prosecuted, but I will not do it.

At the arraignment, which occurred no later than Saturday morning, the judge ordered Tumblety to stay in New Orleans until the official court date set for Tuesday after the weekend. Tumblety quickly met up with Norris again, which conforms quite accurately to the actual sequence of events. Norris even commented upon Tumblety explaining that he was advised to stay in town to have this man – D.C. O'Malley – prosecuted, which is exactly what they attempted to do.

Important to Tumblety specific to the Whitechapel murders investigation are two key points. First, in the 1880s we now see that Tumblety rented out more than one room at a time and in separate locations, and in both luxurious hotels and poor boarding houses near the location he would slum. Mrs. Field stated that Tumblety had many young men from the age of 16 to 20 in intimate terms visiting his room, even staying overnight. This may explain why Tumblety rented out multiple rooms, since many cities considered homosexual behavior as illegal. In 1888 in London, Tumblety was in correspondence with at least four young men and likely involved himself with one-night stands, as well, just as he did in New Orleans. It would not be out of the question that Tumblety rented out multiple rooms in the London area, including Whitechapel, especially since in New York, New Orleans and Baltimore Tumblety rented rooms near the vicinity of his nightly habit of roaming the slums. Tumblety admitted slumming in Whitechapel.

Second, a detailed analysis of the 1881 Tumblety-O'Malley-Govan affair shows weaknesses in the claim that O'Malley and Govan attempted to blackmail Tumblety and demonstrates the likelihood that Tumblety did

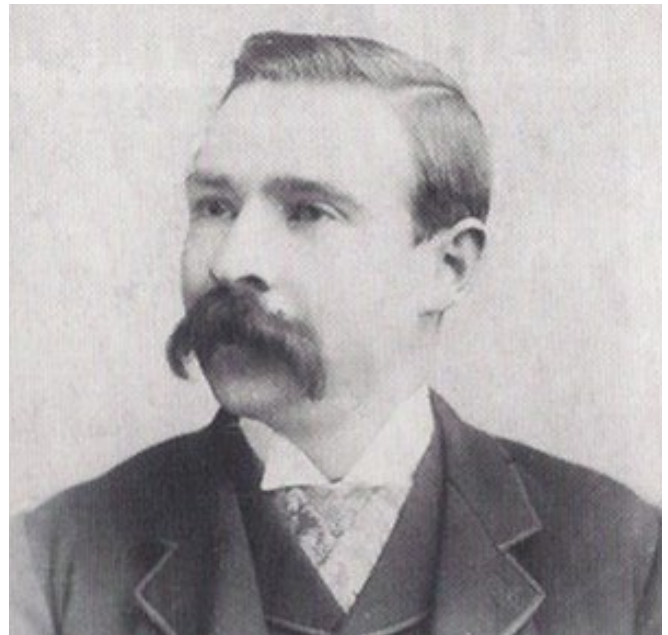
indeed have surgical instruments in his travel trunk in the 1880s. Keep in mind, Tumblety was traveling each year to England from 1873 to 1888, and he likely took with him the very same travel chest that also contained his favorite gold medals. One can see that the medals and the surgical tools were used as a testament to a career as a highly reputable surgeon, even in London. Tumblety likely brought his “large knives” with him to England not for the purpose of murder, but for status. Co-opting these surgical tools for other purposes in 1888 is not out of the question.

If Francis Tumblety travelled to England with his large trunk in 1888, which contained his velvet chest of gold medals and tray of surgical instruments, he did not return to New York City with it after jumped bail. According to the *New York Herald* of December 4, 1888, he returned lightly:

They [New York Detective Sergeants Hickey and Crowley] watched a very tall, heavy man, about fifty-five years old, with a dark mustache, come down the gangplank. ...It was the now famous Dr. Tumblety, who got into a hack after having a small steamer trunk placed on the box.

The December 4, 1888, issue of the *New York Sun* even reported, “Tumblety was short enough of luggage to make it appear that his departure from the other side was hurried.”

Once the grand jury returned a true bill on November 19, 1888 in the misdemeanor case, this is likely when he decided to make a quick get-away, boarding the SS *La Bretagne* before noon in Havre, France, on November 24. Rushing without being seen, it is not out of the question that he left everything but the bare necessities behind, including the gold medals. Tumblety was fond of showing off his gold medals, yet never are the medals referred to after his return. In the 47 sworn testimonies (involving the 1903 court case contesting his will) of those who interacted with him in the last twenty years of his life, Tumblety’s gold medals were never mentioned post-1888. After the mid-1890s, Tumblety only wore one set of dirty clothes, suggesting he travelled to the various cities with very few personal effects, thus no longer needed a large, bulky travel trunk. If Tumblety left his gold medals behind, he definitely left the surgical instruments behind.



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