

0296

BOX:

380

FOLDER:

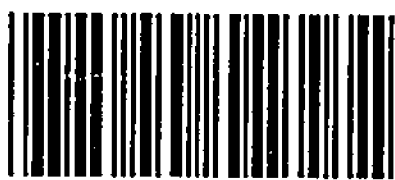
3548

DESCRIPTION:

Elder, Frank

DATE:

01/10/90



3548

0297

BOX:

380

FOLDER:

3548

DESCRIPTION:

Kranss, Emil

DATE:

01/10/90



3548

Witnesses:

D. Liniker

James Liniker

*425-124mm
Officer Reap
11th Precinct*

95

Berlingoff

Counsel,

Filed

10 day of January 1890

Pleads,

Chattel

THE PEOPLE

vs.

Frank Elder

and

Emil Krasser

Grand Larceny, Second degree.

[Sections 528, 534, 535 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill

January 24 1890.

Wet. Dred and Acquitted.

Foreman.

Aug 10 1890

Ch. 26

Jan 20 1890

0299

40922		
E. J. SPARENBERG,		
No. 76 Canal Street, N. Y.		
<i>J. J. Doe</i>		1887
	\$	Cts.
<i>200</i>		
<i>100</i>		
<i>100</i>		
Good for One Year Only.		
Not accountable for loss or damage by fire, breakage, robbery or moth.		
Rates of Interest.		
On sums of One Hundred Dollars, or under, 3 per cent. per month or any fraction thereof for first six months, and 2 per cent. per month thereafter. On sum over One Hundred Dollars, 2 per cent. per month for first six months, and 1 per cent. per month thereafter.		

0300

Police Court—

3rd District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 425-1st Avenue Street, aged 36 years,
occupation Baker being duly sworn

deposes and says, that on the 25th day of August 1897 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, on the day time, the following property, viz:

Two gold rings valued at
fifty dollars, one silver watch
with gold chain and locket
attached, two sets of trousers
two pairs of ear rings, two pairs
of cuff buttons, one diamond
pair of trousers, and food and
lawful money of the United
States of the value of seventy dollars
and one gold chain and locket valued at
two hundred and fifty dollars
the property of

Deponent

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

Frank Elder and Emil
Kraus (both now here for the
reasons following to wit: on
the said date the said property
was in deponent's room.
The defendants Elder was in
the employ of deponent. De-
ponent was informed by his wife
that she saw the said undershirt
on said Elder on the said date. The
said Elder admitted the said
Kraus into deponent's house
on said date. Deponent missed
the said property. After defendant
Elder left said premises he was

of
18
they

Police Justice.

0301

was seen by deponent until arrested.
Deponent is informed by George
Ring that the defendants have
gone to him Ring tickets re-
presenting a portion of the
stolen property, which property
has since been and identified

Sworn to before me } Baltmore
this 4th day of January } Linker
1890.

Charles W. Linton
Police Justice.

0302

CITY AND COUNTY
OF NEW YORK, ss.

aged 26 years, occupation Banker of No.

69 Forsyth Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

and that the facts stated therein on information of deponent are true of deponents' own

knowledge.

Sworn to before me, this

day of January 1888.

Charles N. Laintor

Police Justice.

George King

0303

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Frank Elder 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.

Frank Elder

Question. How old are you?

Answer.

20 years of age

Question. Where were you born?

Answer.

Germany

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

Answer.

941 1st Avenue 3 weeks

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
Frank Elder*

Taken before me this

24th

day of

1902

Charles H. Jander

Police Justice.

0304

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

Emil Kraus 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. Emil Kraus

Question. How old are you?

Answer. 24 years of age

Question. Where were you born?

Answer. Germany

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

Answer. 313 Grand Street 2 months

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
Emil Kraus

Taken before me this

4th

day of

March

1897

Charles A. J. Justice Police Justice.

0305

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

Alfred Smith
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 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 4 1888 Go. Charles N. Linton Police Justice.

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

Dated 188 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 188 Police Justice.

0306

~~\$1000 for 2 Aug 5/90~~
~~Q.A.M. Chas. J.~~
Ex waived. C.H.S.

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

3rd 29
4 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Buttner Liner
425 1st St
vs.
Frank Elder
Emil Brans

3
4

Dated Jan 14 1890

Printer Magistrate

Reap Officer.

Witnesses George King Precinct.

No. 69 Perry St.

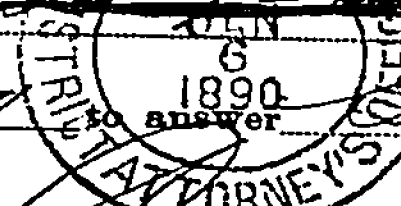
Shanna Liner

No. 425- 1st St.

Reap Officer

No. 425- 1st St.

\$ 1000 to answer



0307

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Elder and Emil Kraus

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

Frank Elder and Emil Kraus

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

The said *Frank Elder and Emil Kraus, both*

late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth*
day of *August* in the year of our Lord one thousand eight hundred and *eighty-*
nine, at the City and County aforesaid, with force and arms,
five finger rings of the value of
ten dollars each, one watch of the
value of fifteen dollars, two chains of the
value of ten dollars each, two breastpins
of the value of twenty-five dollars each,
four ear-rings of the value of ten
dollars each, four cuff-buttons of the
value of five dollars each, one
overcoat of the value of thirty dollars,
one pair of trousers of the value
of ten dollars, one shirt of the value
of one dollar, and the sum of seventeen
dollars in money, lawful money of the United
States and of the value of seventeen dollars
of the goods, chattels and personal property of one *Salthaser Linker*

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.

0308

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Frank Elder and Emil Krauss

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Frank Elder and Emil Krauss, both*

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,

five finger-rings of the value of ten dollars each, one watch of the value of fifteen dollars, two chains of the value of twenty dollars each, two lockets of the value of ten dollars each, two breast pins of the value of twenty-five dollars each, four earrings of the value of ten dollars each, four cuff buttons of the value of five dollars each, one overcoat of the value of thirty dollars, one pair of trousers of the value of ten dollars, one shirt of the value of one dollar and the sum of seventeen dollars in money, say one money of the United States, and of the value of seventeen dollars

of the goods, chattels and personal property of one

Balthasar Linker

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Balthasar Linker

unlawfully and unjustly, did feloniously receive and have; the said

Frank Elder and Emil Krauss

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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 R. FELLOWS,
District Attorney.

0309

BOX:

380

FOLDER:

3548

DESCRIPTION:

Elias, William

DATE:

01/09/90



3548

Witnesses:

Samuel W. Richards

The commission of the
facts and of the law in this
case has led me to the
conclusion that the individ-
ual herein cannot be
sustained, and I, therefore,
recommend the dismissal
of the same. (See my re-
port filed herewith)
Dated N.Y., January 16th 1890.

Samuel Groves
~~Attorney at Law~~

Jan 1st 1890
Clearly, this is a physical
be dismissed. There is no
evidence that any Confession
Ordinance was violated
by Defendant.

J. H. Groves
D.A.

90

Counsel, James D. McGowan
Filed 9 day of Jan 1890
Pleads, Not Guilty (10)

THE PEOPLE

vs.

William Elias

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL.

G. H. FAVEN
Foreman

Pop III January 22/90 -
Subsection 11 demand
P. H.

Violating Corporation Ordinance
[1885, Consolidation Act]

0310

0311

Police Court
Second Dept
The People vs
Samuel W. Richards
William Elias

Not the defendant Mr. McClelland

Examination Before Justice Gorman
Dec 22 1889

Samuel W. Richards, the complaining witness
being duly sworn and cross examined
by Mr. McClelland deposes and
says: I made the complaint
in this case

Q You charge him with employing
a man at an open window
in the premises 66 West 23 d
it to play a musical instrument
called a bugle.

A Yes.

Q Where is this window located?

A The floor above the street

Q What style of a window?

0312

A. An ordinary window.

Q. You saw a man standing
one side?

A. By the side of the window.

Q. In these premises?

A. Yes.

Q. He blew a horn?

A. Yes.

Q. By the Court? - Was it blown
musically, or to make
a noise.

A. I call it a horn; it was
a great noise

Q. Discordant?

A. It seemed discordant. It
was not musical - but to
draw a crowd.

An Mr. Chelland moves to
discharge the defendant on
the ground that it is not
proven that the alleged offense
comes under the section
245 - chapter as charged
in the complaint.

0313

Also upon the ground that the testimony shows that the Defendant was not playing in the public street, or in a public place, but that he was playing in a private place.

The Court The motion is denied on the ground that the Defendant admitted that the instrument was played upon for the purpose of attracting attention to people to buy goods

Offered to answer
\$100 bond

0314

City and County } ss
of New York,

Police Court, 2nd District.

Samuel W. Richards

of No. 66 West 23rd Street, aged 40 years, occupation

Glove dealer being duly sworn, deposes and says that on the 19

day of December 1889, at the City of New York, in the County of

New York, on William Elias (nowhere),

did unlawfully employ a man whose name is
unknown to deponent at a window in premises

66 West 23rd leading to said public Street
who there plays a musical instrument

called a Bugle for the purpose of attracting
the attention of passers by

in violation of Chapter 8 Section 245 of the Ordinances of the Cor-
poration of the City of New York.

Sam Richards

Sworn to before me, this 19 day
of December 1889

John W. Macdonald Police Justice.

0315

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Elias

being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h's 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's waiver cannot be used
against h on the trial.

Question. What is your name?

Answer. William Elias

Question. How old are you?

Answer. 45 years old

Question. Where were you born?

Answer. Ohio

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

Answer. 223 W. 4th St., N.Y. 3 years

Question. What is your business or profession?

Answer. Dealer in fancy goods.

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 and
demand a jury trial with a fair trial

Taken before me this

day of

Dec

188

12

John J. [Signature]
Police Justice

0316

Sec. 151.

Police Court.....2..... District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Samuel W. Richards of No. 66 West 23 Street, that on the 19 day of December 1889 at the City of New York, in the County of New York,

One Elias did unlawfully Employ
at premises 66 West 23rd Street a man
blowing a musical instrument called a
Baggle to attract attention of passers
by in violation of section 245 Chapter
8 of the ordinances of the Corporation

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 19 day of December 1889

John J. Ferman POLICE JUSTICE.

0317

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

Alfred Smith
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *One* 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 21* 18 *89* *John Thomas* Police Justice.

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

Alfred Smith
to bail to answer by the undertaking hereto annexed.

Dated *Dec 21* 18 *89* *John Thomas* 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.

0318

Paroled to McCallum
9 AM Dec 21st

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

1860 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel H. Richardson
66 West 23^d
John Elias

1

2

3

4

Dated

1889

Magistrate.

Officer.

Witnesses

No.

Street.

No.

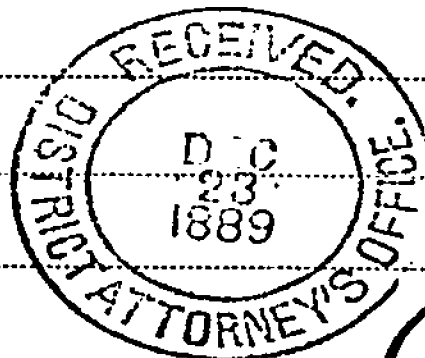
Street.

No.

Street.

\$

to answer



Offence

Burton

03 19

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Samuel W. Richards

Wm Elias agst.

Examination had Dec 21 1888
Before John J. Eorman Police Justice.

I, W. L. Ormsby Stenographer of the 2 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of Samuel W. Richards

as taken by me on the above examination before said Justice.

Dated Dec 21 1888.

W. L. Ormsby
Stenographer.

John J. Eorman
Police Justice.

0320

COURT OF GENERAL SESSIONS.

THE PEOPLE
vs.
WILLIAM ELIAS.

R E P O R T .

This case has been referred to me to ascertain whether the indictment herein can be sustained.

It charged the defendant with procuring, hiring and abetting a bugle player to perform upon his instrument in violation of a City Ordinance adopted by the Common Council of the city of New York and approved of by the Mayor of said city on the 9th day of December, 1889.

The violation is alleged to have occurred on the 19th of December, 1889.

From the statements of several witnesses annexed hereto it appears that the said bugle player was actually hired by the defendant to perform upon his instrument on the second floor of the house known as No. 69 West 23rd Street, in the city of New York, where the defendant carried on a mercantile business in the first or store floor thereof. It also appears therefrom that the said bugle playing was done for the purpose of attracting the attention of the passengers to the said store.

The question presented for determination is

whether the said premises were or are a public place within the meaning of said ordinance.

The provisions of said ordinance applicable to this case read as follows:

No person shall beat ~~any~~ drum or instrument for the purpose of attracting the attention of passengers, in any street in the City of New York, to any show of beasts or birds, or other things in said city; nor shall any person use or perform with, or hire, procure or abet any other person to use or perform with any musical or other instrument in any of the streets or public places in the city of New York.

The word "place" is defined by Webster as "any portion of space regarded as measured off or distinct from all other space, as related to any other portion, or as appropriated to ~~some~~ definite object or use; separate division; apartment; room; position; ground; site; spot; rarely unbounded space."

The definition of the word "public" given by Webster is: "Pertaining to, or belonging to, the people; opposed to private; open to common use."

Under these definitions it may be justifiable to construe a store open to every passer-by for the transaction of business into a public place, and if the said bugle player had been in defendant's said store while performing upon his instrument, this action should be brought to trial. But the fact is that the said bugle player was not in said store, but was in a room

0322

3

on the second floor of said house to which the public had no admission and which to all intents and purposes was designed for private uses only. It follows that the person hired by the defendant to play upon his instrument for the purpose of attracting passengers in the street, did not play in a public place, and that consequently the act complained of against the defendant herein does not come within the provisions of said city ordinance.

The indictment herein should, therefore, be dismissed.

Edward J. Moore
Deputy Assistant.

0323

4

C H A R L E S D . K E M P , patrolman, 19th precinct. On the 19th of December, 1889, by direction of Captain Reilly I called upon Samuel W. Richards at 66 West 23rd Street and asked him whether he was willing to make a complaint against the defendant herein in the Police Court. Said Richards had theretofore made complaint to the Health Department against the bugle playing in defendant's premises. The complainant consented and upon his affidavit we obtained a warrant from Justice Gorman upon which the defendant was arrested by me in his place of business 69 West 23rd Street at about four o'clock in the afternoon of said 19th of December. That I found the defendant in his store on the first floor of said premises. At the same time I heard a bugle played in the second story of said premises, but I could not see the player. The said premises are built for dwelling purposes, but the first floor has been changed into a store.

S A M U E L W . R I C H A R D S , dealer in gloves, 66 West 23rd Street, I corroborate the statement above made by Officer Kemp. From my store on the opposite side of the street I could frequently see the bugle player in the second story of defendant's house. His bugle was at all times visible through the open windows of the room where he player. The said player never performed upon his instrument in the street. The defendant stated in my presence that he had hired the bugle

0324

5

player for the purpose of attracting the attention of
the passers-by on the opposite side of the street.

0325

Part of Gen. Sessions

The People

vs.

William H. Ab

REPORT.

For the District Attorney.

Dated January 15 1890

Edward G. Stone

Assistant.

0326

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Elias

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

Indictment accuse William Elias

of the crime of violating an ordinance passed by the
Common Council of the City of New York, —
committed as follows:

The said William Elias, —

late of the City of New York, in the County of New York, aforesaid, on the
nineteenth day of December, in the year of our Lord one thousand
eight hundred and eighty- — nine —, at the City and County aforesaid,

did unlawfully hire, procure and select a certain
man whose name is to the Grand Jury aforesaid
unknown, then and there to use, and perform
with, a certain musical instrument called a
bugle in the public street of the said City known
as West Twenty Third Street, the using and performing
with the said bugle being a side show, and the said
man so using and performing with the same not being
a member of or forming a part of or in any wise then
connected with any band of music or organized musical
society then engaged in any military or civic parade
or in serenading, who had complied with the laws of

0327

this State relating to parades in the said City, and such
singing and performing with the said Organ nor being
a musical performance conducted under a license
from the proper municipal authority; and the said
William Elias did then and there and thereby
offend against a certain ordinance theretofore
duly passed by the Common Council of the said
City and then and there in full force and
operation throughout the said City, to wit: an
ordinance adopted by the said Common Council
on the 26th day of November 1889, and approved
by the Mayor of the said City of New York on the
9th day of December 1889, which said ordinance
is as follows, that is to say:

AN ORDINANCE to amend section 245, article XXIV. of chapter 8 of the Revised Ordinances,
approved December 31, 1880.
The Mayor, Aldermen and Commonalty of the City of New York do ordain as follows:
Section 1. That chapter 8, article XXIV., section 245 of the Revised Ordinances, approved
December 31, 1880, is hereby amended so as to read as follows:
Section 245. No person shall beat any drum or instrument for the purpose of attracting the
attention of passengers, in any street in the City of New York, to any show of beasts or birds, or
other things in said city; nor shall any person use or perform with, or hire, procure or abet any
other person to use or perform with any musical or other instrument, in any of the streets or public
places in the City of New York. The provisions of this section shall apply only to itinerant musicians
engaged in any military or civic parade or in serenading, who shall comply with the laws of the
State relating to parades in the City of New York, or to any musical performance conducted under
a license from the proper municipal authority. No person shall use or perform with, or hire,
procure or abet any other person to use or perform with, any hand organ, in any of the streets or
public places in the City of New York before the hour of 9 A. M. nor after the hour of 7 P. M.
of each day, nor during any part of the first day of the week commonly called Sunday,
nor within a distance of five hundred feet of any school-house, or house of public worship,
during school hours, or hours of public worship, nor within a like distance of any hospital, asylum,
or other public institution, nor within a distance of two hundred and fifty feet of any dwelling-
house or other building, when directed or requested by an occupant thereof not to so perform. No
person shall use or perform upon any hand-organ, except such organ shall be licensed as herein-
after ordained. Upon the payment of a license fee of one dollar per annum, the Mayor may
license such number of organs as he may deem proper, not to exceed, however, the total number of
three hundred. Such license must be conspicuously displayed upon the front of said organ. No
person using or performing any hand-organ licensed as hereinbefore recited, shall solicit, ask or
request any money for such use or performance in any way, shape or manner, directly or indirectly.
Any violation of this ordinance or any part thereof shall be a misdemeanor, and punishable by a fine
not exceeding ten dollars, or imprisonment not exceeding ten days for each offense.
Sec. 2. All ordinances and parts of ordinances inconsistent or conflicting with the provisions of
this ordinance are hereby repealed.
Sec. 3. This ordinance shall take effect immediately.

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 R. Fellows,
District Attorney.

0328

BOX:

380

FOLDER:

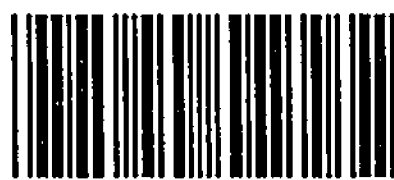
3548

DESCRIPTION:

Elsenback, Charles

DATE:

01/21/90



3548

0329

BOX:

380

FOLDER:

3548

DESCRIPTION:

McDonald, Alexander

DATE:

01/21/90



3548

0330

BOX:

380

FOLDER:

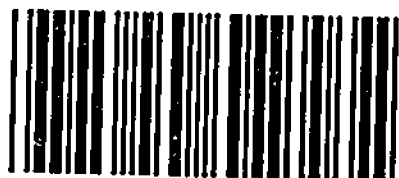
3548

DESCRIPTION:

Mann, Philip

DATE:

01/21/90



3548

0331

263 212 BM Jan 22

Witnesses;

Thomas A. Maitland

Chas. Maitland
J. L. L. L.
J. L. L. L.

Counsel,
Filed
day of Jan 1890

IN RE,
THE PEOPLE vs.
Charles Eckenbach
Alexander Mc Donnell
Philip M. M. M.
Grand Larceny
[Sections 528, 531, Penal Code.]

JOHN R. FELLOWS,
District Attorney.

3. Court held 3/19/90

A TRUE BILL.
No 3 City from 2 of 1990
J. L. L. L.

John R. Fellows
J. L. L. L.
J. L. L. L.
J. L. L. L.
J. L. L. L.

0332

Police Court

2 District

Affidavit—Larceny.

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

Thomas A. Maitland

of No. 60 West 12th

Street, aged _____ years,

occupation lawyer

being duly sworn

deposes and says, that on the 24 day of December 1889 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 dog known as a Hyacinth of the value
of fifty dollars

\$ 50.00

the property of deponent

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

from the fact that deponent saw said
defendant take said dog and carry
away said dog from the stoop
of the deponent's premises

Thomas A. Maitland

Sworn to before me, this 24 day
of December 1889

Police Justice.

0333

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.*2nd* District Police Court.

Charles Elsback 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. *Charles Elsback*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *645 East 12 Street 14 years*

Question. What is your business or profession?

Answer. *Hog catcher*

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*

Charles Elsback

Taken before me this *27*

day of *March*

188*9*

Arthur W. Morrison
Police Justice

0334

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

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

Dated March 27 1889

John J. Kramer Police Justice.

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

Dated _____ 188

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 _____ 188

Police Justice.

0335

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

2

184th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas A. Maitland
60 West 12th

1. Charles Elabner

2. Alexander McDonald

3. Philip Mann

4. _____

Offence *Barney*

Dated

Dec 29

1889

Magistrate.

Officer.

Precinct.

Witnesses

Sergt. Philip Reilly

No.

at his office

Street.

No.

60 West 12th

Street.

No.

Richard Manning

Street.

\$

300

to answer.

Barney (3)

0336

CITY AND COUNTY OF NEW YORK, SS.

In the name of the People of the State of New York, To any Peace Officer in this State:

An indictment having been found on the 21 day of Aug
1890, in the Court of General Sessions of the Peace of the City and County of
New York, charging Philip Mann

with the crime of Fraudulent second degree

~~You are therefore Commanded~~ forthwith to arrest the above named Philip Mann
and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

City of New York, the 22d day of Aug 1890

By order of the Court,

Walter
District Attorney
Stuyvesant

0337

CITY AND COUNTY OF NEW YORK, SS.

In the name of the People of the State of New York, To any Peace Officer in this State:

An indictment having been found on the 21 day of Aug

1890, in the Court of General Sessions of the Peace of the City and County of
New York, charging Philip Mann

with the crime of Gaudacancy second degree

~~You are therefore Commanded~~ forthwith to arrest the above named Philip Mann
and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

City of New York, the 22 day of Aug 1890

By order of the Court,

Walter
District Attorney
John Court

0338

N. Y. General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,
against .

Philip Ham

BENCH WARRANT FOR FELONY.

John R. Fellows,
District Attorney.

Issued

Jan 21 1890

The officer executing this process will make his
return to the Court forthwith.

March 3rd 1890
The within named
defendant was
arrested and brought
to the Court of General
Sessions by Sergt. Reilly

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The People

Charles Elsenback

Alexander McDonald

Jointly indicted with Phillip Mann for grand larceny in the second degree.

Court of General Sessions. Part I
Before Judge Martine.
February 18th 1890.

Thomas A. Maitland, sworn. I live No. 60 West Twelfth St. and am a lawyer. I saw the defendants on the morning of the 24th of December in front of the house at half past ten o'clock. I put on my hat and coat previous to going out with Mrs. Maitland in a carriage to buy some Christmas things and I was waiting for her. I was standing on the vestibule, I had two dogs behind me; my door was open; ~~and~~ ~~the~~ a setter and a poodle; the sky terrier ran down the steps three or four steps from the bottom. I saw the defendant Charles and Phillip Mann, who is not in custody run up and Elsenback pulled the dog off the steps on to the ground and picked him up. I ran down the steps close to the left hand rail to try to save the dog, and I noticed Mann run up the steps and hunt my other two dogs off on to the

0340

street. It was the sky terrier that ran down the stoop; the dog was on the fourth step from the bottom when it was taken. When I got down a few steps, Elsenback dropped the dog and McDonald picked him up, he grabbed the dog by the front legs and I grabbed hold of him by the hind legs. I told him to let go of the dog. I simply raised up as if I would strike him. He said, "you son of a b---, if you lay hand on me I will shoot you." With that he gave me a blow in the side of the neck. I let go of the dog and the dog was thrown into the cart. After that they all went for the black poodle dog and they raised a great shout, "O catch the dude's poodle, get the dude dog and so on," and they finally caught him on the other side of the street. He had been driven off the stoop. Phillip Mason had remained at the foot of the steps and prevented his return to the house. They caught him and tried to put him into the cart. The coachman,

0341

Dugan and myself prevented them putting it into the trap or cart; they shoved him under the tail board. The black dog turned around and bit McDonald in the hand and he let go of the dog; the dog ran away and ran into the next house to me and the ladies received it. After that I went back into the house; the sky terrier was already in the trap. I went back and found my wife lying in a swoon on the floor. These dogs were regularly licensed (Witness produced the licenses). The sky terrier only came into the house the day before. The dog was worth fifty dollars at the very lowest computation. I have owned a number of dogs and am familiar with the value of them. Cross Examined. I had owned a number of sky terriers before this one. I had purchased him the day before. I paid between twenty five and thirty dollars. I really only paid twenty five dollars for the dog; he was a remarkably good dog. I received a permit from the Mayor and paid two dollars for it. I afterwards gave the dog to my aunt.

0342

This trouble occurred on the 24th of Dec., the day after I bought the dog. The dog was not licensed by me on the 24th of Dec., I was the owner of the dog at the time of this occurrence. I had not procured a license for that dog; the dog had a collar on him but there was no license mark on it. There was nothing on the collar which bore a license number. He was loose and was not secured by a cord, chain or rope. Elsenback seized the dog, he pushed him off my stoop with his hands and then picked him up. He tried to make a fight with me and the dog slipped out of his hands and then M^cDonald picked him up. M^cDonald had hold of him by the head and I grabbed him by the tail. There would not have been anything left of the dog if I had not let go. M^cDonald gave me a blow in the neck which made me reel over to the side and I let go of the dog. During all that time the wagon was there. The other men had no badge or shield. They made no

statement why they took the dog except giving me the vilest and filthiest abuse. McDonald put the dog in the cart amongst the other dogs. That night my coachman brought the dog to my house, Mrs. Maitland's maid brought him there. I spent three dollars to have the dog redeemed at the dog pound the same day. This occurred at half past ten o'clock in the morning and I got the dog back about four o'clock in the afternoon.

Thomas Dugan sworn. I drive my own hack. I was in front of No. 60 West Twelfth St. on the morning of the 24th of Dec. at half past ten the defendants came up there. I was not long after pulling in there where a dog wagon drove up behind where I stood; they jumped off and the first thing I saw they jumped on the stoop and pulled off these dogs, the two large dogs were on the top of the stoop and the smaller one was down three or four steps from the bottom. One of them skipped it off the stoop. I do not think it was either one of the defendants.

0344

I think it was the smaller party. I did not know the fellows before. Three or four of them ran and grabbed for the dogs. I took a dog off that red fellow (McDonald). Some people ran after the smaller man. I tried to get the dogs away from the other fellows. I saw the small man and these defendants get off the wagon. I am quite certain these two defendants were on the wagon. The dog that the small man took away was only two or three steps up from the sidewalk and the other two dogs were on the top at the door, he had to step up on the step to take the dog down. Cross Examined. I did not see them put the dog on the wagon. It was a very unusual looking wagon and there was more than one dog in it. I am not the man who brought back the dog to the complainant that night. The sky terrier when I first saw it was on the third or fourth step of the stoop going up to the house. I don't know whether it was going

0345

up or down; the two larger dogs were there looking around. When the wagon drove up. The wagon stopped and the men jumped off together. The man came along, put his hand up and shoved the dog down on the sidewalk. They all got round the dog and Mr. Maitland went down after him. I saw no more of them. I stopped there and they were trying to take the others. I was trying to prevent them from taking them. I suspected they were dog catchers when I saw them going for the dogs. These two defendants when the man snapped the dog off the stoop were right behind him; they all jumped off together.

Richard Fleming Brown. I am in the employ of Mr. Maitland and on the 24th of December I was on the corner of Sixth Ave. and Twelfth St. buying clams at the fish store when all of a sudden I saw a crowd of people running up the street. I ran up too and I saw one of the dog catchers jump off the wagon and he ran up. I think it was McDonald, but I could

0346

hardly tell, there was such a crowd
I saw some men run up and
he struck Mr. Maitland in the left
side of his neck. I saw that some
one of them had a sky terrier, but I
could not tell which one there was
such a crowd. The dog was dropped
and I grabbed the sky terrier and
I had him by the hind legs. As I
was going up some one caught
him by the neck and they could
not get him off me at first. I stooped
down and as I was coming up
they made a kick for Mr. Maitland
and then they knocked me up
on the stoop I fell on the stoop.
I had no dog then. When I got up
I saw two men on the wagon. Mc
Donald had a black dog and it bit
him on the arm; he let the dog
go and it was jumping around the
wagon. I saw Elsenbuck there also.
The black dog ran in the next house
the lady opened the door and let
the dog in.

The defendants pleaded guilty to
petty larceny.

0347

Testimony in the
case of
Chas. Greenback
and
Alexander McDonald

filed Jan.
1890.

0348

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Charles Elsenback, Alexander
McDonald and Philip Mann*

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

*Charles Elsenback, Alexander
McDonald and Philip Mann*

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

The said

*Charles Elsenback, Alexander
McDonald and Philip Mann, all*

late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth*
day of *December* in the year of our Lord one thousand eight hundred and *eighty-*
nine, at the City and County aforesaid, with force and arms,

*one day of the value of
fifty dollars*

of the goods, chattels and personal property of one

Thomas A. Maitland

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 R. Fellows
District Attorney.*

0349

BOX:

380

FOLDER:

3548

DESCRIPTION:

Ennis, William

DATE:

01/27/90



3548

0350

359

Counsel,

Filed

Pleads,

27

day of

Jan 1890

THE PEOPLE

VS.

B

William Ennis

Jan 26/90
FILED FOR
RECORD
JAN 26 1890
COURT

William Ennis
[Sec. 290, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Albham Foreman.

Witnesses:

Thos. J. Finney
Thos. J. Finney

0351

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Ennis

The Grand Jury of the City and County of New York, by this
Indictment accuse William Ennis of a Misdemeanor,

of the crime of

committed as follows:

The said William Ennis,

late of the City of New York, in the County of New York, aforesaid, on the

twentieth day of January, in the year of our Lord one thousand
eight hundred and eighty — ninety — , at the City and County aforesaid,

did unlawfully admit to, and allow to remain
in a certain place there situate, where wines and
spirituous and malt liquors were then and
there sold and given away, kept and managed
by him the said William Ennis in part, one
Rose Finnan, who was then and there a child
actually and apparently under the age of sixteen
years, to wit: of the age of fifteen years, the
said Rose Finnan not being then and there
accompanied by her parent or guardian; against
the form of the Statute in such case made
and provided, and against the peace of

0352

the People of the State of New York, and
their dignity.

John R. Fellows,
District Attorney.