

0506

BOX:

524

FOLDER:

4771

DESCRIPTION:

Ellison, Luke H.

DATE:

06/07/93



4771

**POOR QUALITY
ORIGINAL**

Witnesses:

Leonard L. Frost

In the within case, the defendant was an employee of a foreign corporation and the letter complained of having been withdrawn from circulation as appears by the within letter from W. B. Ellison, the statement of fact contained therein being as I am satisfied true, and the complainant not desiring to further press the complaint. I believe interests of justice do not demand the further prosecution and I therefore recommend the dismissal of the indictment.

Nov 1. 93

Taylor
ada.

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE,

vs.

Ernest H. Ellison

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. B. Ellison
Nov 1. 93
on recom. of Dist. Atty.
indict. dis. *RS My*

Foreman.

Amusing letter.

[Sec. 559, Penal Code]

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Nov 1. 93

Foreman.

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Sec. 559, Penal Code

0509

Police Court, / District.

City and County } ss.
of New York,

Leonard L. Frost

of No. 29 Rose Street, aged 42 years,
occupation Salesman being duly sworn, deposes and says,that on the 22 day of May 1893 at the City of New
York, in the County of New York,

L. H. Ellison did willfully and unlawfully - send or cause to be sent to deponent - a letter - (the defendant) knowing the contents of said letter - threatening to do an unlawful injury to deponent and with intent to cause annoyance to deponent - from the fact that on 23rd day of May 1893. deponent received through the mail the annexed letter - the contents whereof threaten to injure deponent and cause annoyance to him. deponent further says that visited defendant at his office - after receiving said letter and he defendant admitted to deponent that he had sent said letter -

Deponent therefore prays that he (defendant) be apprehended and dealt with as the law directs

Leonard L. Frost

Sworn to before me
this 25th day of May 1893

James H. Glavin
Police Justice

05 10

(Agency's Sixth Letter.)

Sprague's Collecting Agency;... Royal Insurance Building ...
NEW YORK

NEW Chicago, Ill.

May 22 1893

Mr. Grost

of Geo W. Mother Pk Co. N.Y.

As you do not seem inclined to settle the claim placed with us for collection, we must proceed to realize something for our client in a manner that will make it exceedingly unpleasant for you. There is surely some one who will buy this claim and we are going to find that party. We shall place your account on our FOR SALE list together with your name and the facts in the case and same will be forwarded to our representative in your vicinity with instructions to advertise and POST same FOR SALE and also furnish us the name and address of firms and individuals most likely to have a means of using the account. A printed list of our FOR SALE accounts will also be forwarded them with our request for a proposition for purchase of any accounts they can use to advantage. If you are holding a position your account will be offered your employer. If in business this claim will be offered for sale to your competitors, neighbors and business associates. We are determined to balance our books at once. If you prefer to settle this claim write our client (whose name we gave you in recent letter) making some definite proposition accompanied by cash payment. We shall wait a few days in order to receive advice of your proposition for immediate settlement.

Yours truly,

SPRAGUE'S COLLECTING AGENCY.

0511

RETURN TO
SPRAGUE'S COLLECTING AGENCY,
WORLD BUILDING,
NEW YORK.



Mr. Frost
c/o George W. Mather Btg Co
25 Rose St

1282

NEW YORK CITY.

05 12

RETURN TO
SPRAGUE'S COLLECTING AGENCY,
WORLD BUILDING,
NEW YORK.



Mr Frost
c/o George W Mather Pty Co
25 Rose St

NEW YORK CITY.

0513

District Attorney's Office,
City & County of
New York Mar 24 1893

To the Justice Presiding
at Tombs Police Court

Dear Sir:

Mr Theodore Cross has submitted facts to me which in my judgment constitute a violation of § 559 of the Penal Code, and I have referred to him to your Court to the end that upon formal proof of such facts being made, a warrant for the arrest of the accused party L. H. Ellison be issued who should be held to await the action of the Grand Jury if you determine to commit him.

Truly Yours -
Delaney Neale

District Attorney

05 14

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

Luke H. Ellison 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. *Luke H. Ellison*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *213 78 135*

Question. What is your business or profession?

Answer. *Cluk*

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
I hold demand a trial by
jury*

Luke H. Ellison

Taken before me this

day of *March* 1882*James H. White*
Police Justice.

05 15

Sec. 151.

Police Court 1 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 Leonard L. Frost of No. 29 Rose Street, that on the 22 day of May 1893 at the City of New York, in the County of New York,

L. H. Ellison, did willfully and unlawfully send or cause to be sent to complainant a letter threatening to do an unlawful injury and annoyance to complainant -

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 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 25 day of May 1893
Samuel M. Smith Police Justice.

05 16

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated May 25 1893

Haynes
JP
Carver
Collector
M
Ayes
203 W 35th

Police Justice.

Police Court.....District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated May 25 1893

McArthur
Magistrate.

O'Connor
Officer.

The Defendant

taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Edward J. O'Connor
Officer.

Dated May 26 1893

This Warrant may be executed on Sunday or at
night.

Police Justice.

05 17

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, May 27 1893 James M. W. [Signature] Police Justice.

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

Dated, May 27 1893 James M. W. [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0518

N 170 /
Police Court---

598
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Leonard S. Frost
29 ~~Rose~~
Lucy H. Ellison

2

3

4

Date,

May 26
Martin
O'Connor
Court

189 3

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

500

to answer

605

Bailed

BAILED,

No. 1, by

Edward Propper

Residence

1349 Fulton Ave
New York 5

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

05 19

William B. Ellison,

Attorney and Counsellor at Law,

Office: 229 Broadway,

*William B. Ellison,
Resident of St. Paul, Minn.*

New York, July 11, 1893

W. B. E.

My dear Sir:-

People vs. L. H. Ellison.

The defendant is an employe of the Sprague Collection Agency having an office in the World Building this City. The Agency is an Illinois corporation with headquarters at Chicago and an agency here.

The defendant was charged with sending through the mail from the N. Y. office an objectionable printed letter or circular, in an effort to collect a claim placed in the hands of the Agency by whom he is employed.

The letter or circular complained of was among others prepared at Chicago and under the advice of counsel there that it was unobjectionable. These circulars were then sent to the office here for use and with assurances to the defendant that they were legal in every way.

It was under the circumstances above stated that the cause of complaint arose. The defendant acted simply under the instructions of his employers and with their assurances that what he did was quite legal and proper.

Since the making of the charge herein I have been retained as counsel for the agency in this City and as such have prohibited the use of the circulars complained of and have drafted and the defendant is now using a circular letter that I am confident is not objectionable. None of the objectionable circulars have been used since it was learned that they were in violation of our laws and none will be.

In view therefore of the facts that the violation charged was unintentional, and under the belief that the acts complained of were quite legal, that the defendant acted as an employe and under the instructions of his employer and that immediately upon notice that the acts complained of were in violation of our laws the same ceased, it seems to me that substantial justice has been done and that the indictment may be with all fairness dismissed. I have explained the matter fully to Mr. Weeks.

I remain, Respectfully yours,

Hon. Delancy Nicol,

William B. Ellison

454

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Julius H. Allison

The Grand Jury of the City and County of New York, by this indictment accuse *Julius H. Allison* of a misdemeanor

of the crime of

committed as follows:

Heretofore, to wit: on the twenty second day of May, 1893, at the City and County aforesaid, the said *Julius H. Allison*, late of the City and County aforesaid, did unlawfully and feloniously send to one *Leonard S. Frost*, a certain letter and writing, with the name and designation "Sprague's Collecting Agency" subscribed and signed thereto, with intent thereby to cause annoyance to the said *Leonard S. Frost*, which said letter and writing is as follows, that is to say:

(copy of said letter.)

Sprague's Collecting Agency,
World Building

New York

New York City, May 22 1893

Mr Frost c/o Geo. W. Mather Pkg Co. N.Y.

As you do not seem inclined to settle the claim placed with us for collection, we must proceed to realize something for our client in a manner that will make it exceedingly unpleasant for you. There is surely some one who will buy this claim and we are going to find that party, we shall place your account on our For Sale list together with your name and the facts in the case and same will be forwarded to our ~~correspondent~~ representative in your vicinity with instructions to advertise and Post same For Sale and also furnish us the name and address of firms and individuals most likely to have a means of using the account. A printed list of our For Sale accounts will also be forwarded them with our request for a proposition for purchase of any accounts they can use to advantage. If you are holding a position your account will be offered to your employers. If in business this claim will be offered for sale to your competitors, neighbors and business associates. We are determined to balance our books at once. If you prefer to settle this claim write our client (whose name we gave you

in recent letter) making some definite
proposition, accompanied by cash
payment. We shall wait a few days
in order to receive advice of your
proposition for immediate settlement.

Yours truly,
 (Prague collecting agency)
 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.

Edmund Hall,

District Attorney.