

0245

BOX:

132

FOLDER:

1372

DESCRIPTION:

Eilbert, Joseph

DATE:

03/20/84



1372

Witness

Moses Heilmann

Upon the withdrawal
of complainant herein I
recommend that the
defendant be discharged
on his own recognizance
WY. May 26. 1884

Geo. S. Sinead
Appt. Dist. Atty.

W. J. R.

Att. Gen. May 20

Counsel,

Filed 20 day of March 1884

Pleads May 24.

THE PEOPLE	vs.	Joseph E. Ebert
Assault in the Second Degree. (Section 218, Penal Code).		
Dues & costs May 23/84		

JOHN McKEON,
Att. Gen. 30/84 District Attorney.
He is charged by the Court
in the above recognizance.
A True Bill.
Caleb S. Howard

Foreman.

0246

0247

Police Court— 2^d District.

CITY AND COUNTY
OF NEW YORK, { ss.

Moses Heilmann, 37 years old, butcher
of No. 412 East 45th Street,

New York City being duly sworn, deposes and says, that

on 30th the _____ day of July

in the year 1883 at the City of New York, in the County of New York, at No 526 - 10 Avenue

he was ~~attempted to be~~ violently and feloniously ASSAULTED and BEATEN by Joseph Albert,

man here, who attempted to cut and stab
deponent with a butcher knife then and
then held in the hand of said Albert.
Deponent went to the place of business
of said Albert and asked for payment
of a bill, whereupon said Albert took
up said knife and pursued deponent
into the street threatening to kill deponent

with the felonious intent ~~to take the life of deponent,~~ or to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 30th day
of July 188 3

Moses Heilmann.

J. M. Patterson POLICE JUSTICE.

Police Court 2^d District.

THE PEOPLE, Etc.,
ON THE COMPLAINT OF

Moses Perlman

vs.

Joseph Albert

AFRIDA VITIA
FELONIOUS.
A. & B.

Dated July 20th 1883

W. Patterson Magistrate

Ledy and Prichard Officers

2nd Precinct.

Witnesses,

0248

0249

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2nd District Police Court.

Joseph Albert Gilbert 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. Joseph Albert Gilbert

Question. How old are you?

Answer. Forty years

Question. Where were you born?

Answer. Germany

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

Answer No 526 - 15th Avenue, 3 months

Question. What is your business or profession?

Answer. Butcher

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. I acted in self defence.

Joseph Gilbert

Taken before me this 25th
day of July 1985
W. J. McQuinn
Police Justice.

0250

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 Joseph Gilbert

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 July 30 1883 Wm. Patterson Police Justice.

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

Dated August 1st 1883 Hugh Gardner Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0251

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court 2nd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Moses Heilmann
Hempstead Salber
Joseph Albert

1

2

3

4

Office of the
District Attorney

Dated

1883

Magistrate.

Officer

Precinct.

Witnesses

No.

Street.

No.

Street.

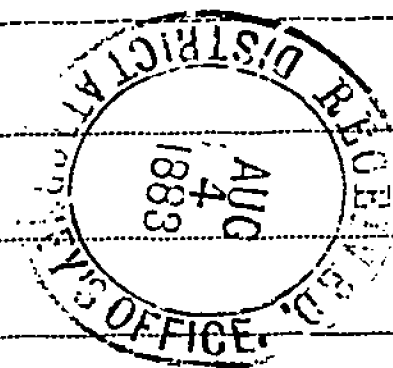
No.

Street.

\$

to answer

Bailed



0252

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Joseph Eilbert

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. but because the imprisonment would be a great hardship on defendant's family as the said Eilbert's wife is about to be confined as a mother, and would leave the family destitute and helpless. The defendant has his wife and three small children dependent upon ^{him for support} ~~the prisoner~~. I therefore pray that the above request be granted, and the prisoner discharged.

Dated N.Y. May 26th 1884.

Witness.
Rudolph L. Scharf
Wm H. Von Gerichten

- Moses Weilmann.

0253

COURT OF GENERAL SESSIONS,

The People, &c.

vs.

Joseph Eilbert

OFFENCE

PETER B. OLNEY,
District Attorney.

*Withdrawal of
Complaint*

0254

Department of
Public Charities and Correction,

HENRY H. PORTER, Pres't, THOMAS S. BRENNAN, JACOB HESS, Com'rs.
Office of City Prison, Co'r Franklin and Center Streets,

JAMES FINN,
Warden.

New York, May 26th 1884.

Hon' R. B. Cowan,
Judge.

Sir - I have examined
Joseph E. Hart, held for
assault. I do not think
he is insane. He is very
much excited about his
condition, and imagines he
is to be severely punished
for his assault. The complai-
-ant wishes to withdraw the
charge, principally on account
of his family.

Respectfully Yrs.

R. B. Jackson, M.D.

0255

Court of General Sessions

The People vs
vs
Joseph Gilbert

Petition for issuing
of Bench Warrant.

City & County of New York, ss:

Edward Eberly being duly sworn deposes & says that he is son of the Anthony Eberly hereinafter named, and is the Executor named in the last Will & Testament of said Anthony Eberly who deceased in the City of New York on the 10th day of May 1884.

That on the 14th day of May, 1884, said Will was offered for probate - Citation returnable upon May 27th 1884.

That on the P.M. of May 21st 1884, deponent, the petitioner herein, was served with the indictment against above named Joseph Gilbert, whose true name deponent understands to be Gilbert and now has a store at Number 407 or 409 West 89th Street, N.Y. City, has been placed on the Calendar for trial at Part 2, this Court on Monday, May 26 - 1884. and that the prisoner must then & there be produced or Bond be forfeited.

That thereafter deponent aforesaid saw said prisoner & demanded that, said Eberly having deceased as aforesaid, he, said prisoner, accompany him, Eberly, to aforesaid Court - but said prisoner then & there refused so to do - & from other conversations deponent believes, & therefore avers that it is the intention of prisoner to leave the jurisdiction of said Court before the day of trial aforesaid & not to appear or surrender himself, & thus put the Estate of said Eberly to much trouble & annoyance.

That upon the declaration of petitioning deponent it appears that now & at time appointed for trial as above set out - there is no legal representative of said Estate, but your petitioner as aforesaid as Executor named in said Will & Testament & next of kin of said deceased makes this within application.

That an order having been made on the 1st August, 1883, by Jacob M. Patterson, a Police Justice of the City of New York, that Joseph Elbert, above named, be held

0257

to answer upon a charge of Felonious Assault & Battery, upon which he was duly admitted to bail in the sum of \$500; & Anthony Eberly, aforesaid, as surety entered into an undertaking that said prisoner would appear & answer the charges above mentioned in whatever Court it might be prosecuted; & at all times render said prisoner amenable to the order & process of the Court, & if convicted, appear for judgment & render himself in execution thereof; or if he fail to perform either or any of the conditions of said undertaking that he said Eberly will pay to the People of the State of New York in the sum of \$500 aforesaid.

Now, therefore, for the reasons aforesaid your deponent petitioner prays the District Attorney of the City & County of New York make application to & move the proper Court for a "Bench Warrant" to take into Custody & actual imprisonment said prisoner & discharge the bond or undertaking of said Eberly, & his said estate from all risk or liability on or

To Peter B. Huey Esq.
District Attorney
N.Y. City & County

Edward Eberly.
Petitioner

0258

City & County of New York ss.

Edward Eberly the above named
petitioner being duly sworn says
that he has read the foregoing petition
& knows the contents thereof &
that the same is true to his
own knowledge -

Known before me
this 23rd day of May 1884.

James H. Jones
Notary Public

Edward Eberly

The People
vs.
Joseph E. Eberly

Verified Petition
for issuing Writ
Mandamus for arrest
of Joseph E. Eberly

To Peter R. Thompson
Dist. Atty.
N.Y. City & Co.

Stephen P. Kasey
Proctor
at 407 1/2
39 1/2
Petitioner
23 Chambers
N.Y.

I recommend that
a bench warrant be
issued as aforesaid

over with this Petition

May 22nd 1884,

Geo. A. Adams
District Attorney

0259

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Joseph E. E. E. E.

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

Joseph E. E. E. E.

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Joseph E. E. E. E.*

late of the City and County of New York, on the *Twentieth* day of
July - , in the year of our Lord one thousand eight hundred and
eighty *three* with force and arms, at the City and County aforesaid, ~~in~~ one

Moses H. H. H. H.

in the peace of the people of the said State then and there being, feloniously did
willfully and wrongfully ~~commit~~ assault: ~~and the said~~

with a certain *knife* which *he* the said

Joseph E. E. E. E.

in *his* right hand - then and there had and held, the same being then and there a
knife likely to produce grievous bodily harm

~~the said~~ ~~did willfully and wrongfully~~ ~~commit~~ ~~the said~~

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 M. M. M.
District Attorney

0260

BOX:

132

FOLDER:

1372

DESCRIPTION:

Eilers, John

DATE:

03/03/84



1372

Witnesses:

17

Day of Trial,
Counsel, *Edwards*
Filed (day of *March* 188*8*)
Pleads *March 10*

THE PEOPLE

vs.

John Edwards

Violation of Excise Law.

[H. R. S. [72-32] ~ 1983 & 21 and 1989 & 5]

PETER B. OLNEY,
JOHN McKENON,

District Attorney.

A True Bill.

Calvin B. Karswell

Foreman.

0261

0262

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK } ss.

18 District Police Court.

John Eilers being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

John Eilers

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Germany

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

Answer.

254 Fulton St. 7 mo

Question. What is your business or profession?

Answer.

Bar tender

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 have nothing to say
John Eilers

day of

1884

Police Justice.

0263

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

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 4 Feby 188 4 Wm. H. W. W. Police Justice.

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

Dated February 4 188 4 Wm. H. W. W. Police Justice.

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

Dated _____ 188 _____ Police Justice.

0264

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Fitzgerald

John Eilers

Dated

14 February

188

W. J. Power

Magistrate.

Fitzgerald

Officer.

27

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

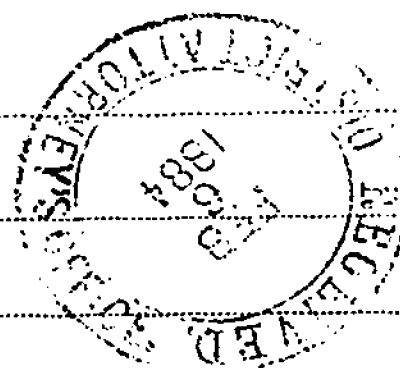
Street.

\$

100

to answer

Bailed



Violation
Office
excise laws

0265

Police Court 2nd District.

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

James Fitzgerald 26 years
Policeman of the 27 Precinct Police 3rd Street,
of the City of New York, being duly sworn, deposes and says, that on Sunday the 25th day
of February 1884, in the City of New York, in the County of New York,
at premises 254 Fulton Street
a place licensed for the sale of ~~where intoxicating liquors and wines were kept for sale, and sold as a beverage,~~
John Eilers [now here]
did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in
the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said
Sunday the 25th day of February 1884 as required by law.

WHEREFORE, deponent prays that said John Eilers
may be arrested and dealt with according to law.

Subscribed before me, this 4th day
of February 1884

James Fitzgerald

City Clerk

POLICE JUSTICE.

0266

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Eilers

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

OF THE CRIME OF Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday, committed as follows :

The said

John Eilers

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *3rd* day of *February* in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~the~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said

John Eilers

of the CRIME OF GIVING AWAY AND DISPOSING OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, ON SUNDAY, committed as follows :

The said

John Eilers

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit : On the said *3rd* day of *February* in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County

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aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to _____

~~and to~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, 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.

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said _____

_____ John Eilers _____

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said _____ John Eilers _____

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said ~~Friday~~ day of ~~February~~ in the year of our Lord one thousand eight hundred and eighty-~~four~~ the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number ~~Three~~ _____.

~~and~~ and ~~John Eilers~~ ~~Three~~ ~~Street~~

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

0268

BOX:

132

FOLDER:

1372

DESCRIPTION:

Elmore, Andrew

DATE:

03/28/84



1372

279

Day of Trial,

Counsel,

Filed 28 day of March 1884

Pleads *Not Guilty.*

THE PEOPLE

vs.
31st of March

P

Andrew Elmore

BUREAU-Third Degree, and
Receiving Stolen Goods.
(5498-506-528-531-556)

PETER B. OLNEY,

~~JOHN MCKEON,~~

22 Apr 84 District Attorney.
pleaded guilty

A True Bill.

Charles P. Kennedy

S. P. 6 Foreman.
21. Two years.

Witnesses:

Hyman Balsore

Wm. G. Weston

0269

0271

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 29 years, occupation Shoemaker of No. 72 Mott

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Heyman Baber
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 25
day of March 1884

Abraham Goodstein
Miner

W. J. Gray

Police Justice.

0272

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss

James District Police Court.

Andrew Elmore being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is his right to
make a statement in relation to the charge against him; that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer. *Andrew Elmore*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *I have no settled residence*

Question. What is your business or profession?

Answer. *Plumber*

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*

Andrew Elmore
mark

Taken before me this

25

day of

March 188*4*

W. J. Davis
Police Justice.

0273

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 Andrew Elmore

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Two~~ Two 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 he legally discharges the fine

Dated March 25 1884 my own 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 h to be discharged.

Dated _____ 188 _____ Police Justice.

0274

\$1000 for ex.
Wm. J. C. M.
10 am. Mch 26

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court *First* District. 1209

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hayman Balow
66 Mulberry St
Andrew Elmore

2 _____
3 _____
4 _____

Offence *Burglary*

Dated *March 25* 188*4*

Power Magistrate.
Geo W. Smith Officer.

6 Precinct.

Witnesses

No. _____ Street.

No. _____ Street,

Abraham Goodstein

No. *72* *Stott St* Street,

Chas to answer *Guernsey*

0275

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Andrew Elmore

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

Andrew Elmore

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said Andrew Elmore

late of the Sixth Ward of the City of New York, in the County of New York, aforesaid, on the 22nd day of March in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the Ward, City and County aforesaid, the store of

Heyman Batron

there situate, feloniously and burglariously, did break into and enter, the same being a part of a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter described, with intent the said goods, chattels, and personal property of the said

Heyman Batron

then and there being, then and there feloniously and burglariously to steal, take and carry away, and

twenty pieces of the value of one dollar each, and two pairs of trousers of the value of two dollars each pair

of the goods, chattels and personal property of the said Heyman

Batron

so kept as aforesaid in the said store 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.

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And the Grand Jury aforesaid, by this indictment, further accuse the said

— Andrew Elmore —

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Andrew Elmore —

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

two shoes of the value
of one dollar each

of the goods, chattels and personal property of Steynman
Balson —

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen of the said Steynman Balson

unlawfully and unjustly, did feloniously receive and have (the said —

— Andrew Elmore —

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.

PETER B. OLNEY,
~~JOHN MCKEON,~~

District Attorney.