

0243

BOX:

119

FOLDER:

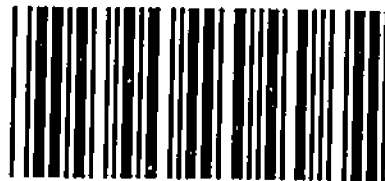
1255

DESCRIPTION:

Edmundstone, William

DATE:

11/20/83



1255

POOR QUALITY
ORIGINAL

0244

Certified,

Filed *20* day of *Nov* 188*3*

Pleads

Wm. J. F.

THE PEOPLE

vs.

Wm. J. F.

Edmundston

2 cases

JOHN McKEON,

District Attorney

A True Bill.

W. J. F.

Foreman.

Recd from D. A. 11/19/87

0245

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 F. Edmundstone

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

William F. Edmundstone
of the CRIME OF maintaining a public nuisance
committed as follows:

The said William F. Edmundstone, late of
the Twelfth Ward of the City of New York
in the County of New York, on the Sixth day of
July in the year of our Lord one thousand eight hundred and eighty-three
and on divers other days and times, as well
before as after, to the day of making this in-
quisition, at the Ward, City and County aforesaid,
with force and arms, upon a certain large
plot and piece of ground there situate, the
same being adjacent to and adjoining cer-
tain common and public highways there,
commonly called and known as "East Fifth
Avenue" and "West One Hundred and twenty-
eighth Street", unlawfully did then and
there dig, excavate and make, and did cause
to be dug, excavated and made, a certain in-
large and deep excavation, of the length of
one hundred and fifty feet, of the breadth of
one hundred feet, and of the depth of fifteen
feet; and the said William F. Edmundstone
on the day and in the year aforesaid, and
on the said divers other days and times, un-
lawfully and injuriously did then and there
put, place, heap, pile and lay, and did cause

0246

and procure to be put, heaped, piled, placed and laid, in and upon the public foot-path and side-walk surrounding, and being round and about the said excavation, and in and upon the said public right of way, that is to say, is to be kept, great quantities, piles and heaps of stones, dirt and rubbish; and on the said several days and times, the said excavation was being made, and excavated as aforesaid, and the said dirt, stones, piles and heaps of stones, dirt, stones and rubbish, so as aforesaid, put, heaped, piled, placed and laid in and upon the said public foot-path and side-walk, and did obstruct the said common and public highways, the said keep, maintain and continue. And the said objection in St. Edmundstone, the said public foot-path and side-walk, and the flag-stones there and there constituting or forming the same, so being and being so used and so doing the said excavation there and there in St. Edmundstone did not only become undermined and weakened, and came to be undermined and weakened: but the said public foot-path and side-walk, so undermined and weakened as aforesaid, in the said several times and days then and there in St. Edmundstone and injuriously did keep and continue, and cause to be kept and continued.

By reason and by means as well of the digging, excavating, and making of the excavation aforesaid, and the keeping and maintaining and continuing of the same, as of the

0247

that, by the said, by the said, by the said, and by the said,
and the said, and the said, and the said, and the said,
of the said, and the said, and the said, and the said,
the said, and the said, and the said, and the said,
upon the said public foot path and sidewalk
and in and upon the said public sidewalk
that, by the said, and the said, and the said, and the said,
and the said, and the said, and the said, and the said,
of the said, and the said, and the said, and the said,
abutting the said public foot path and
sidewalk, and the said, and the said, and the said,
that, by the said, and the said, and the said, and the said,
a considerable number of persons, and the said,
to the said, and the said, and the said, and the said,
said, and the said, and the said, and the said,
and from the said public foot path and
sidewalk, and in, and the said, and the said, and the said,
the said, and the said, and the said, and the said,
going, returning, passing, and the said, and the said,
and the said, and the said, and the said, and the said,
yet is a dangerous, and the said, and the said, and the said,
so that, and the said, and the said, and the said,
walk, and the said, and the said, and the said, and the said,
from the said, and the said, and the said, and the said,
path, and the said, and the said, and the said, and the said,
used and occupied, and the said, and the said, and the said,
and ought to be done, and the said, and the said, and the said,
ought to be done, and the said, and the said, and the said,
the said, and the said, and the said, and the said,
People of our said State, against the said,
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 McKeon, District Attorney.

POOR QUALITY
ORIGINAL

0248

102
Counsel,
Filed *Nov* 1883
Pleads *Property (88)*

THE PEOPLE

vs.

B

William F.

Edmundstone

2 cases

JOHN McKEON,

District Attorney

A True Bill.

W. H. Crane

Foreman.

Recd from B. A. 7th 19/87

0249

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 F. Edmundstone

The Grand Jury of the City and County of New York, by this indictment, accuse
 _____ William F. Edmundstone _____
 of the CRIME OF maintaining a public nuisance—
 committed as follows:

The said William F. Edmundstone late of the
 Twelfth Ward of the City of New York, in the
 _____ County of New York, on the twelfth _____ day of
 June _____ in the year of our Lord one thousand eight hundred and eighty-three
 and on divers other days and times, as well
 before as after, to the day of taking this in=
 quisition, at the Ward, City and County afore=
 said, with force and arms, upon a certain
 large plot and piece of ground there situate,
 adjacent to and adjoining certain common
 and public highways there, commonly called
 and known as "Fifth Avenue" and "West One
 Hundred and twenty eighth Street", unlaw=
 fully did then and there dig, excavate, and
 make, and did cause to be dug, excavated
 and made a certain large and deep excava=
 tion, of the length of one hundred and fifty
 feet, of the breadth of one hundred feet, and of
 the depth of fifteen feet; and did then and
 there, on the day and in the year aforesaid
 and on the said divers other days and times,
 unlawfully put, heap, pile, place and lay
 and cause to be put, heaped, piled, placed
 and laid, in and upon the ^{public} foot path and

0250

sidewalk surrounding, and being round and about the said excavation, and in and upon the said public highways, dweis, that is to say: ten, great quantities, piles and heaps of stone, dirt and rubbish; and on the said several days, the said excavation, so dug made and excavated as aforesaid, and the said dweis great quantities, heaps and piles of dirt, stones, and rubbish, so as aforesaid put, placed, heaped, piled and laid in and upon the said public foot path and side walk, and in and upon the said highways, there did keep, maintain and continue:

And the said William F. Edmundstone the said public foot path and sidewalk, and the flagstones then and there constituting and composing the same, so being round and about, and surrounding the said excavation then and there unlawfully did undermine and weaken, and cause to be undermined and weakened, and the said ~~public~~ foot path and side walk, so undermined and weakened as aforesaid, on the said several days and times, then and there unlawfully keep and continue, and cause to be kept and continued.

By reason of which said premises, the safety of a considerable number of persons that is to say: one hundred persons, on each of the said several days and times, on the said public foot path and side-walk and on the said public highways, going, returning, passing and repassing, walking driving and solemnizing, was endangered, so that the said persons could ^{nor yet can} not go, return,

0251

pass, repass, walk, drive and labor, in, by
through and upon the said public highway
and in, by, through and upon the said
public side walk and path way so freely
and so safely as they were used and ac-
customed and were wont and ought to do,
and yet of right ought to do, to the com-
mon and public nuisance of all the good
people of our said State, 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. Keon

District Attorney.

0252

#103. 583
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Kennedy

1 William Kennedy

Offence Violation Sanitary Code

BAILED,
No. 1, by Robert H. Brennan
Residence 18 Exchange Place

No. 2, by
Residence

No. 3, by
Residence

No. 4, by
Residence

Residence

Dated July 11 1883
Magistrate.

William Kennedy Officer.

Sanitary Specialist

No. 1
No. 2
No. 3
No. 4
No. 5
No. 6
No. 7
No. 8
No. 9
No. 10
No. 11
No. 12
No. 13
No. 14
No. 15
No. 16
No. 17
No. 18
No. 19
No. 20
No. 21
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No. 53
No. 54
No. 55
No. 56
No. 57
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No. 60
No. 61
No. 62
No. 63
No. 64
No. 65
No. 66
No. 67
No. 68
No. 69
No. 70
No. 71
No. 72
No. 73
No. 74
No. 75
No. 76
No. 77
No. 78
No. 79
No. 80
No. 81
No. 82
No. 83
No. 84
No. 85
No. 86
No. 87
No. 88
No. 89
No. 90
No. 91
No. 92
No. 93
No. 94
No. 95
No. 96
No. 97
No. 98
No. 99
No. 100

\$ 500 to answer

Guilty

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 William Kennedy

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 11 1883 B. L. Morgan Police Justice.

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

Dated July 11 1883 B. L. Morgan 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 _____ 1883 _____ Police Justice.

0253

Sec. 151.

Police Court 5th 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 Declan Kennedy of the Sanitary Squad Street, that on the 6th day of July 1883 at the City of New York, in the County of New York,

against William Edmondson for violation Sec 92 of the ordinance of the Board of Health of the Health Department of the City of New York

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 forthwith before me, at the 5th 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 6 day of July 1883

John J. Murray
POLICE JUSTICE.

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated

188

Magistrate

Officer.

The Defendant

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

Declan Kennedy Officer.

John J. Murray

Dated July 11th 1883

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, 10 - a.m.

Native of Scotland

Age, 41

Sex Male

Complexion, Dark

Color Black

Profession, Teacher

Married Yes

Single, No

Read, Yes

Write, Yes

0254

Police Court

The People on
Complaint of
Declan Kennedy

aged

William Edmondstone

Officer's Violation
Sanitary Code § 92

0255

STATE OF NEW YORK :
City and County of New York : ss
----- x

Declan Kennedy being duly sworn says that he is an Officer of the Police Force and a member of the Sanitary Squad; that on the 6th day of July 1883 one William Edmondstone did wilfully violate the Sanitary Code then and at all the times herein mentioned in full force and operative in the City of New York, in this that he had heretofore caused the ground and lots of land lying at the south west corner of 128th Street and 5th Avenue in said City to be deeply excavated and the ground thereof removed to the depth of about 15 feet and over an area of about 100 feet by 150 feet and had piled large quantities of sand and ground up on the Street alongside of said excavation, which was then and there carried about by the wind through the air and he had on said day left the said Street and walk around said excavation in a dangerous condition, the walk being without any foundation sufficient for its support and being in danger of falling, and of which rendered the said premises a nuisance detrimental and dangerous to life and health and which is in violation of section 92 of the said Sanitary Code which is as follows to wit:

Sec. 92. That neither the contents of any such tub, or of any receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor anything in any room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life or health.

Sworn to before me this
6th day of July 1883.

Declan Kennedy

James J. Murphy
Police Justice

0256

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Edmundston 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. *William Edmundston*

Question. How old are you?

Answer. *41 years*

Question. Where were you born?

Answer. *Scotland*

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

Answer. *44 Paulaski Street - Brooklyn N.Y. -*

Question. What is your business or profession?

Answer. *Builder*

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.*

W. F. Edmundston

Taken before me this

day of

July

188*8*

Police Justice.

0257

Metropolitan Board of Health

No. 301 MOTT STREET.

New York, 186

Witnesses Edmund Stone, Secy

James J. Watkins Jr.
Rt 5 W. 128th St.
16 Catharine St.

Edward L. Shipman
1 W. 128th St.
10 Murray -

0258

BAILED,
No. 1, by James McCabe
Residence 2094 - 4th Avenue
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

#102. 500
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Kennedy
Sanitary Officer
1. William Cammestone
2. _____
3. _____
4. _____

Offence Violation of Regs.
Sanitary Code

Dated June 13 1883

Morgan Magistrate.

Abel Thomas Officer,
Sanitary Squad
Deemth.

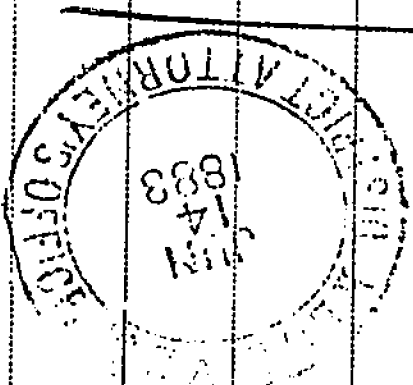
Witnesses _____
Street.

No. _____
Street.

No. _____
Street.

No. _____
Street.

\$ 500 to answer _____
Abel



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 William Cammestone

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 June 13 1883 D. T. Morgan Police Justice.

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

Dated June 13 1883 D. T. Morgan 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 _____ 1883 _____ Police Justice.

0259

Sec. 151.

Police Court 5th 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 Declan Kennedy of No. Sanitary Police Squad Street, that on the 12 day of June 1883 at the City of New York, in the County of New York,

William Edmondston for Violating
Section No 92 of the Ordinances of
the Sanitary Code.

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 5th 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 12 day of June 1883

P. L. Morgan POLICE JUSTICE.

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated

June 12 1883

Morgan Magistrate

Declan Kennedy Officer.
Sanitary Squad

The Defendant William Edmondston taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Declan Kennedy Officer.

Dated June 12 1883

This Warrant may be executed on Sunday or at night.

P. L. Morgan Police Justice.

REMARKS.

Time of Arrest,.....

Native of Scotland

Age, 41

Sex Male

Complexion,.....

Color.....

Profession,.....

Married.....

Single.....

Read,.....

Write,.....

0260

Sec. 198-200

CITY AND COUNTY,
OF NEW YORK, ss.

J District Police Court.

William J. Edmondstone 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.

William J. Edmondstone

Question. How old are you?

Answer.

41 years.

Question. Where were you born?

Answer.

Scotland

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

Answer.

64 Pulaski St Brooklyn - 6 years

Question. What is your business or profession?

Answer.

Builder

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 decline answer

William J. Edmondstone
Mark

Taken before me this

3

day of

June 1883

William J. Edmondstone
Police Justice.

Police Court

The People on
Complaint of
Declar Kennedy
against

William Edmundstone

Officer's Violation
Sanitary Code § 92

Declar Kennedy
Sanitary Sp. d.

\$100 To and

0261

0262

STATE OF NEW YORK }
City and County of New York } ss:

Declan Fennedy being duly sworn says that he is an Officer of the Police Force and a member of the Sanitary Squad that on the 12th day of June 1883, one William Edmondstone at premises on the south west corner of 128th Street and 5th Avenue in the City of New York, did wilfully violate the said Sanitary Code then and at all the times herein mentioned in full force and operative in the said City of New York, in this that he had at said premises which are vacant lots, excavated the ground therefrom over an area of about 100 by 150 feet and to a depth of about 25 feet deep and had placed or caused to be dumped in the Street near said lots large piles of dirt, which becoming dried is carried by the wind through the air to the detriment of and danger to the life and health of persons passing and those living in the vicinity; that owing to the said excavation water has collected therein and refuse has been thrown thereon and offensive substances also and on said day of June 1883, the said defendant William Edmondstone had left the said excavation in a dangerous and unguarded condition, the ground having worn away from under the side walk in some places, leaving the flag stones not sufficiently supported to be safe and the barrier around said excavation was not a sufficient protection to prevent persons and children from falling therein, all of which rendered the said premises dangerous and offensive and a nuisance, detrimental to life and health and is in violation of section No. 92 of the ordinances

0263

with full power of the law
to enforce the same

of the Sanitary Code which is as follows to wit:

Sec. 92. That neither the contents of any such tub, or of any receptacle, cesspool, privy, vault, sink, or water closet, cistern, nor anything in any room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life or health.

Declan Kennedy

Sworn to before me this 12th day

of June 1883.

A. P. Morgan

Police Justice