

0243

BOX:

119

FOLDER:

1255

DESCRIPTION:

Edmundstone, William

DATE:

11/20/83



1255

POOR QUALITY ORIGINAL

0244

107-1

Counsel,

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

Pleads

*Guilty*

THE PEOPLE

vs.

*William J.*

*Edmundston*

*2 cases*

JOHN McKEON,

*District Attorney*

A True Bill.

*W. N. Crane*

*Foreman.*

*Received A. A. McKeon 11/20/83*

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 Tenth 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 lot of  
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

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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 foot-path and side-walk, and  
in and upon the said common and public highways,  
the said stones, dirt and rubbish; and on the said  
several days and times, the said excavation  
was made, and excavated as aforesaid,  
and the said stones, dirt, and rubbish, were  
put, placed, heaped, piled and  
laid in and upon the said public foot-  
path and side-walk, and in and upon  
the said common and public highways, the  
said keep, maintain and continue, and the  
said excavation of Edmundstone, the said  
public foot-path and side-walk, and the  
flag-stones thereon, and the constituting of  
the same, by being piled and  
laid on the said public foot-path  
and side-walk, and the said  
flag-stones thereon, and the  
said excavation and weaken, and came  
to be undermined and weakened: and the  
said public foot-path and side-walk, were  
undermined and weakened as aforesaid, on  
the said several times and days then and  
thereafter, and injuriously did keep  
and continue, and cause to be kept and con-  
tinued.

By reason and by means as well of the  
digging, excavating, and making of the excava-  
tion aforesaid, and the keeping and main-  
taining and continuing of the same, as of the



POOR QUALITY ORIGINAL

0248

102  
Counsel,  
Filed *20* day of *Nov* 1883  
Pleas *Adjudged* (1881)

THE PEOPLE

vs.

*William F.*

*Edmundstone*

*2 cases*

*1000*

JOHN McKEON,

*District Attorney*

A True Bill.

*M. 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  
Fifth 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 aforesaid,  
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", unlawfully  
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 <sup>public</sup> foot path and

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 traveling, was endangered, so that the said persons could <sup>not</sup> ~~not~~ <sup>nor yet can</sup> go, return,

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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 acc-  
customed and were wont and ought to do,  
and yet of right ought to do, to the con-  
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.

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#103. 583  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Kennedy

1 William S. Edmundston

Offence Revolution Sanitary Code

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated July 11 1883  
Magistrate

William Kennedy Officer

Sanitary Specialist

Witnesses

No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_



\$ 500 to answer

Paul

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 S. Edmundston

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 P. Lehmann Police Justice.

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

Dated July 11 1883 P. Lehmann 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.

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Sec. 151.

Police Court 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 11<sup>th</sup> 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  
Wm. R. M.  
Persepolis

Complexion, \_\_\_\_\_

Color \_\_\_\_\_

Profession, \_\_\_\_\_

Married \_\_\_\_\_

Single, \_\_\_\_\_

Read, \_\_\_\_\_

Write, \_\_\_\_\_

July 11<sup>th</sup> 1883

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Police Court

The People on  
Complaint of  
Declan Kennedy

aged

William Edmondstone

Officer's Violation  
Sanitary Code § 92

0255

S T A T E O F N E W Y O R K :  
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 6<sup>th</sup> 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 upon 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 6<sup>th</sup> day of July 1883.

*Declan Kennedy*

*James Murray*  
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. *47 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.

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Metropolitan Board of Excise

No. 301 MOTT STREET.

New York..... 186

Witnesses Edmundstone Case

James J. Watkins Jr.  
N. 5 W. 128<sup>th</sup> St.  
16 Catharine St.

Edward L. Shipman  
1 W. 128<sup>th</sup> St.  
10 Murray -

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BAILED,  
 No. 1, by Anna McBride  
 Residence 2094 - 4th Avenue  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 Street \_\_\_\_\_

#102  
 500  
 Police Court District

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

Deborah Kennedy  
 Secretary of Grace

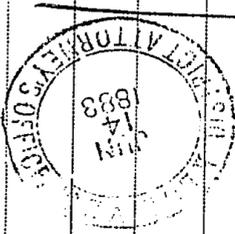
1 William Commodore

Offence Violation of Reg. Sanitary Code

Dated June 13 1883

Morgan Magistrate

Abel Thomas Officer  
Sanitary Squad  
 Deemth.



Witnesses  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_

\$ 500 to answer  
Armed Street

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 Commodore

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.

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Sec. 151.

Police Court 5 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 Jr 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 5 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

Kennedy Officer  
Sanitary Squad

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

Declan Kennedy Officer

Dated 1883

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, .....

Native of Scotland

Age, 41

Sex Male

Complexion, .....

Color, .....

Profession, .....

Married .....

Single, .....

Read, .....

Write, .....

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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

day of

*June 1883*

*A. J. Thompson* Police Justice.

Police Court

The People on  
Complaint of  
Debra Kennedy  
against

William Edmondstone

Officer's Violation  
Sanctions Code § 92

Weldon Kennedy  
Sanitary Squad.

For To and

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S T A T E O F N E W Y O R K }  
City and County of New York } ss:

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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 12<sup>th</sup> 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 15 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

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with the Council of the City of New York  
Sanitary Code

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. T. Morgan*

Police Justice