0950

BOX:
151
FOLDER:
1555
DESCRIPTION:
Williams, James

DATE:
09/09/84

1555

121

Witnesses:

Felix McNally

Counsel,

Filed 9 day of Sept 188 4

Pleads Not guilty (1st)

THE PEOPLE

vs.

James Williams

[Sections 335, 183 — Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

Edward Van Wormer

Foreman.

Sept 15th

Pleads guilty

Pen. Sentence

1584

0952

Police Court, 4 District.

City and County of New York, } ss.

Felix Mc Nally

of No. 160 East 35th Street, aged 50 years,

occupation Doorman being duly sworn, deposes and says,

that on the 29 day of August 188 4, at the City of New

York, in the County of New York, /

James Williams (nowhere)

did commit upon himself an act dangerous to Human life

That about 10½ Oclock in the night time of said 29th day of August 1884 said James was brought to the 21st Precinct Station House, at No 160 East 35th Street, in a state of Intoxication, and on the charge of Intoxication placed in a Cell That at 11.45 Oclock of the same night deponent found said James Swinging by his neck attached to a rope fastned to the door of said Cell

Deponent Charges that said James did Commit upon himself said dangerous act ~~upon himself~~ with the felonious intent to take his life

Whereupon deponent prays that said James may be dealt with as the law directs

Sworn to before me this 30th day of August 1884

Felix Mc Nally

John J Gorman Police Justice

0953

Sec. 198—200

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. James Williams

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. Ireland

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

Answer. 336 East 36th Street, 3 months

Question. What is your business or profession?

Answer. Laborer

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 dont know any thing about it

her
James X Williams
mark

Taken before me this 2d day of August 188 4

Police Justice.

0954

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 James Williams

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Seven 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 Augt 30 1 188 John Herman *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.*

0955

1578

Police Court— 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Felix McSheffy

vs.

160 East 85th St

1 James McWilliams

2

3

4

Offence Assault

SEP 4 '83

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Dated Aug 31st 1883

Brennan Magistrate.

Brosnan Officer.

21 Precinct.

Witnesses Said officer

No. ..... Street.

No. ..... Street,

No. ..... Street.

$ 700 to answer Genl Sessions.

Committed

0956

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Williams

The Grand Jury of the City and County of New York, by this indictment, accuse James Williams of the CRIME OF Attempted Suicide, committed as follows:

The said James Williams

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms and with intent to take his own life, a certain piece of rope about his neck did then and there feloniously and wilfully bind and tie, and him neck thereby did then and there forcibly and violently strangle, the said rope being an instrument to human life, 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

District Attorney

0957

BOX:
151
FOLDER:
1555
DESCRIPTION:
Wilson, Annie

DATE:
09/16/84

Witnesses:

Rudolph Bammuse

Officials

215

Counsel, Coleman

Filed 16 day of Sept 1884

Pleads Not guilty (7)

THE PEOPLE

vs

Elizabeth

Annie Wilson

P

INDICTMENT.

Grand Larceny in the Second degree.

(MONEY.)

Sec 528 & 673

PETER B. OLNEY,

~~JOHN McKEON,~~

District Attorney.

Pr Oct 16/84

Tried & convicted PL

A True Bill.

Edward Van Wagenen

Thos Leggett

Foreman

8598

0959

3d

District Police Court. Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

Rudolph Bumonel, aged 33 years,
Bricklayer 204 East 14th
of No. [redacted] Street,

being duly sworn, deposes and says, that on the 14th day of September 1884
at the daytime City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent [redacted] with the unlawful intent to deprive the
true owner of
the following property, viz :

good and lawful money to the amount
and value of twenty eight dollars $28 00/100

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 Annie Wilson (nowhere) from the fact that deponent was solicited by defendant to go into her, that deponent asked her how much she wanted she defendant stated two dollars, deponent consented to give her the amount that they went into premises No 275 Bowery and engaged a room that while there after deponent had taken off his Coat and Vest and lay it down he saw her defendant take up his Vest which contained the said Money deponent took the Vest from her when he missed his Money, that she then went out of the room taking stealing and carrying away said money.

Rudolph Bumonel

Sworn before me this 14th day of September 1884

Police Justice,

0960

Sec. 198—200.

3d District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Annie Wilson

Question. How old are you?

Answer 22 years

Question. Where were you born?

Answer. Philadelphia

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

Answer. 214 Elizabeth Street, 3 months

Question What is your business or profession?

Answer Domestic

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 innocent of the charge

Annie Wilson

Taken before me this 14 *day of* December 188 4

Police Justice.

0961

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 Annie Wilson

guilty thereof, I order that She be held to answer the same and She 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 She give such bail. or be legally discharged

Dated September 4th 188[illegible] 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.

0962

Police Court 3d 1605 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Rudolph Bummel
504 E 11th St
1 Anna Wilson
2
3
4

Officer Lauer

SEP 15 1884

Dated September 14 1884

M Power Magistrate.

James Reilly Officer.

10 Precinct.

BAILED.

No. 1, by .....

Residence ..... *Street.*

No. 2, by .....

Residence ..... *Street.*

No. 3, by .....

Residence ..... *Street.*

No. 4, by .....

Residence ..... *Street,*

Witnesses .....

No. ..... Street.

.....

No. ..... Street,

.....

No. ..... Street,

$ 1000 to answer Grd Larc
Coml

0963

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Annie C. Dixon

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

— Annie C. Dixon —

of the crime of GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said Annie C. Dixon —

— late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Fourteenth day of September, in the year of our Lord one thousand eight hundred and eighty Four at the Ward, City and County aforesaid, with force and arms, ——

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars ——; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars ——; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars ——; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars ——; three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar 7

of the goods, chattels, and personal property of one —
~~on the person of the said~~ — Rudolph Bunnell ~~from the person of the said~~ 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.

PETER B. OLNEY,
~~JOHN McKEON~~ District Attorney.

0964

BOX:
151
FOLDER:
1555
DESCRIPTION:
Wilson, Mary

DATE:
09/30/84

Witnesses:
Jas. St. John

43

Day of Trial,
Counsel,
Filed, 30 day of Sept 1884
Pleads Not guilty 0616

THE PEOPLE
vs.
B
Mary Wilson

Assault in the First Degree

PETER B. OLNEY,
JOHN McKEON,
District Attorney.

Sept 8/84
Bail Discharged

A TRUE BILL.

Edward Van Wagenen
Foreman.

I am informed by complainant that dept died in Charity Hospital on 28 Mar. '84. Have proof of death filed.
WM D
June 17/87

I affearing from the affidavit of the complainant herein, & the transcript from the record of the Health Department of the City of New York both heretofore filed, that the defendant herein is dead, I recommend that the bail herein be released from further liability.
N.Y. Sept. 7, 1887.
V. M. Deems
Asst. Dist. Atty.

0966

Sec. 198—200

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Mary Wilson

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. New York

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

Answer. 125 Chrystie St / month

Question. What is your business or profession?

Answer. Dressmaker

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. It was an accident

her
Mary + Wilson
mark

Taken before me this [illegible] *day of* [illegible] 1884

[illegible]

Police Justice.

0967

Police Court— 1st District.

City and County of New York, } ss.:

of No. 21 Kingsland Brooklyn Street, aged 26 years,

occupation Machinist being duly sworn

deposes and says, that on the 6 day of September 188 1 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Mary Nelson

now here who did cut and

Stab deponent in the head

with a knife then and there

held in the hand of said

Mary Nelson

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 6 *day*

of September 188 1 James St John

his mark

Police Justice.

0968

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

1 _____
2 _____
3 _____
4 _____

Dated _____ 188

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

$ _____ to answer General Sessions.

Offence—Felonious Assault & Battery

RECEIVED SEP 1884

Magistrate.

Officer.

Clerk.

1432

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 _____ guilty thereof, I order that he be held to answer the same and be admitted to bail in the sum of _____ 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 _____ 188

_____ 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 be discharged.

Dated _____ 188

_____ Police Justice.

0969

The People
vs
Mary Wilson

City + County of New York ss.:-

James St. John being duly sworn says:- That he resides at No 89 Ainslee Street in the City of Brooklyn. That he is the complainant against the above named Mary Wilson the defendant herein.

Deponent further says that he saw the said Mary Wilson on or about the 15th day of March 1887 at the Charity Hospital suffering with consumption.

That deponent is informed and verily believes that the said Mary Wilson died at the said Charity Hospital on the 28th day of March 1887.

Sworn to before me this 20th day of June 1887

James St. John

Rudolph L. Schaf
Commissioner of Deeds
N. Y. City & Co

0970

The People

vs.

Mary Wilson

0971

Liber 26
No. 6048

HEALTH DEPARTMENT OF THE CITY OF NEW YORK

Sanitary Bureau, Vital Statistics.

Office, 301 MOTT STREET.

Notice, In issuing this transcript of record the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported, has been provided for by law.

New York, August 16th 1887.

A TRANSCRIPT FROM THE RECORD OF DEATHS

IN THE CITY OF NEW YORK.

NAME OF DECEASED	DATE OF DEATH: MONTH	DAY	YEAR	AGE OF DECEASED: YEARS	MONTHS	DAYS
Mary Wilson	March	28	1887	34	—	—

COLOR	CONDITION	OCCUPATION	BIRTHPLACE	HOW LONG RESIDENT IN CITY: YEARS	MONTHS	DAYS
W.	S.	Domestic	United States	Life		

PLACE OF DEATH	FATHER'S BIRTHPLACE	MOTHER'S BIRTHPLACE
No. Charity Hospital ST. 19th WARD.	Ireland	Ireland

CAUSE OF DEATH: Phthisis Pulmonalis

TIME FROM ATTACK TILL DEATH: YEARS | MONTHS | DAYS | HOURS | MIN'TS

PLACE OF BURIAL	UNDERTAKER	MEDICAL ATTENDANT
Potters Field	Charity	D. L. Barick M. D.

John J. Hogle M.D.
Deputy Register of Records.

A True Copy,

C. Feldmann
Chief Clerk

HEALTH DEPARTMENT

OF

CITY OF NEW YORK,

No. 301 Mott Street.

Transcript of Death.

People

vs.

Mary Wilson

21

0973

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Mary Brown

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said Mary Brown

late of the City of New York, in the County of New York, aforesaid, on the 24th day of September in the year of our Lord one thousand eight hundred and eighty-two with force of arms, at the City and County aforesaid, in and upon the body of James Stephens in the peace of the said people then and there being, feloniously did make an assault and him the said James Stephens with a certain knife which the said Mary Brown

in her right hand then and there had and held; the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said James Stephens then and there feloniously and wilfully to kill, 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 Mary Brown

of the CRIME OF Assault in the Second Degree, committed as follows:

The said Mary Brown

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said James Stephens then and there being, feloniously did, willfully and wrongfully, make an assault and him the said James Stephens with a certain knife which the said Mary Brown in her right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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.**

0974

BOX:
151
FOLDER:
1555
DESCRIPTION:
Wilson, Peter

DATE:
09/16/84

204

Counsel, Dan D Warren. 170 Broadway

Filed 16 day of Sept 188 4

Pleads Not Guilty.

THE PEOPLE

vs.

B

Peter M. Wilson

[Sections 528 - Penal Code].

PETER B. OLNEY,

March 23/86 *District Attorney.*

Indictment dismissed

A True Bill. Recommend

Edward Van Voorhis

Foreman.

Dec 3rd

G. A. G.

Witnesses:

Nicholas Kilroy

Subsequent to filing of this Indictment the Board of Health brought an action against the deft, based on same state of facts as that upon which Indictment was found said action was tried Dec 23d 1885 in 3d Dist Civil Court before Justice Parker and a jury and resulted in a verdict in favor of the deft. This being the fact I recommend that written Indictment be dismissed

N.Y. March 23d 1886

Randolph B Martine

District attorney

See Report of Asst dist Atty Davis herewith filed. P.B.M.

POOR QUALITY ORIGINALS

5786

0976

Third Civil Dist. Court
Before Hon. Geo. W. Rucker,
Justice & a Jury.

Board of Health
vs
Peter Wilson.

Index	Direct	Cross
James Cooke	0. 2.	10.
Ernest Napier	" 19.	
Eugene N. Cornet	" 20.	24.
Brian Ricker.	" 39.	42.
David Reuben	" 49.	52.
Samuel Goldsmith	" 61 & 148.	69.
Thos. D. Mitchell	" 90.	92
Nicholas Kilroy	" 94.	96.
Thomas Black	" 101.	103.
James Moffat	" 107	114
Ben Krouse	115.	119.
Alexander Brown	" 121	122
William Thomper	" 125. to 152.	127

(over)

0977

Direct. Cross

Henry W. Smith P. 127. 128
Leonard L. Morse " 129.
Isaac N. Burdick " 180. 130.
Peter Wilson. " 135. 136.

0978

Newyork, Dec. 23rd/1885.

Third Civil District Court
Before Hon. Geo. W. Parker
Justice
& a Jury.

Health Department
vs
Peter Wilson.

James Croke for pltff. called and
sworn testifies as follows
By Col. Prentice:

Q. You are an officer of the
Police Dep't?
A. Yes.
Q. Detailed on the Sanitary
Squad?
A. Yes, sir.
Q. And as such have been
engaged in the inspection of
nuisances in the City of Newyork?
A. Objected to; as it is not

2

for this witness to say what constitutes a nuisance.

Q Well, you were engaged in the inspection of premises complained of for a nuisance?

A Yes, sir

Q And as such officer you have inspected the premises of the defd?

A Yes, sir.

Q Where was it?

A. 117 Prince St.

Objected to on the ground that if these are the premises it should be proved.

Q You inspected it?

A Yes,

Q Did you inspect 115 at the same time?

A Yes, sir.

Objected to and moved to be stricken out as there is no such allegation in the

0980

complaint

The Court: I will exclude, as to that, any evidence of a nuisance.

Q. Did you at that time, or after this, at about 1117 Prince St. see the dept.?

A. No, sir.

Q. When was this inspection made?

A. On the 3rd of October.

Q. Of this year - 1885?

A. Yes.

Q. And at what other times?

A. On the 6th.

Objected to as there is no allegation except on the 3rd of October, and as this is a suit for a penalty the plaintiff should be held strictly to the particular date.

The Court: I do not think they are bound to a precise date; I will allow the testimony.

5

Deft. except to.

Deft. also objects on the ground that Plaintiff is bound by the allegation in the complaint as the suit is in the nature of a criminal action

Objection overruled;

Exception.

Q. What did you find there?

A. Found smoke coming out of a chimney on the premises at No. 1107 and found them burning shavings in the furnace.

Q. What sort of a chimney, which way was the wind and where did the smoke go?

A. (On the) the wind was from the South.

Objected to as not material what direction the wind was on the 7th.

0982

The Court; I do not think they are limited to a precise date.

Allen cd. Deft. excepts.

Witness; On the 7th the wind was from the South and the smoke was blowing towards the windows on the rear of Green St.

Q What place in Green St.?

102

Q What is 102 Green St.

A. It is a manufacturing place.

Q Now on the 8th or 6th as you say, what did you find then?

A On the 6th the smoke was not so heavy; on the 6th it was not blowing towards either way; on that day the wind was not blowing so heavy.

Q (The Court) What sort of chimney was it; how high?

A. The chimney is about twenty five feet high I suppose above the roof of the building.

7

Q. (The Court) How high is that building?

A. It is a five story building.

Q. (The Court) And the chimney is about 25 ft. high?

A. Yes, and it is about fourteen feet lower than the windows of 102 Green St. where the smoke comes.

Q. You have already testified that you saw the smoke issuing on the third of October, as I understand, now on the 8th of October what did you find?

A. I found the same and did on the 6th; the smoke was not so heavy, it was coming down all that day;

Q. When once it you found him burning shavings?

A. I found him on the 3rd and on the 6th and on the 30th

Q. The 30th of November?

A. Yes, sir

Q Was there anything offensive about this?

Ob. to.

Q What was the effect of this smoke that you saw on this deft's. premises?

A It was blowing into the windows; on the 15th it was blowing into the windows of 118 Prince St., and on the 7th it was blowing the other way, into the windows of No. 102 Green Street.

Q What was the result?

A I was not in the premises only it was blowing towards those premises.

Q Was it a pleasant sweet smell and agreeable smoke?

Objected to on the ground that the witness is not competent to give an opinion.

A I did not notice that.

The Court: You did not discover anything contrary to what you have with your

9 eyes?
A. Yes, sir.
Q. Did it kill the sheep?
Objected to as leading; objection sustained; exception.
2. Tell me all you observed about this smoke?
A. I observed it on several occasions, the smoke blowing down across the sheep and down into Bruce Sheep and on other occasions at that time the other way.
Q. Did you see the owner of the premises?
A. Yes; I went to see Mr. Wilson at his office in Bank Street, on the 3rd, and did not find him; and I went there again on the 6th, and I found him there.
Q. And what did you tell him?
A. I asked him about the premises, and he told me he

had no information to give me.

2. Did you tell him what you observed there about the smoke?

A. Yes, sir.

2 And what did he say to that?

A He did not say any thing.

Cross Examined.

By Mr. Warren:

2. There are quite a number of manufacturing places in that vicinity are there not?

A. No, not of that kind.

2. I don't ask of that kind, but there are quite a number of manufacturing places in ~~that~~ vicinity?

A. Yes, there are a great number of manufactories.

2 And there are a great many manufacturing places in the city where they use engines are there not?

A Yes, sir; I suppose there are.

2 Using engines and which have fire?

10 A Yes, sir.

11 Q And in the vicinity of 717 & 119 Prince Street there are quite a number of manufacturing places?
A None that I know of; only at 119 ~~St~~.
Q What is that?
A That is a brass finishing place there.
Q Had they been using a furnace there?
A Yes sir.
Q How long has that been in use;
A I could not tell how long it has been used there for sometime.
Q How long have you been an inspector or policeman?
A I have been over two years in the Health Department but I did not have that district until about a year ago.
Q How long have you lived in New York?
A Since 1882.
Q Did you ever know Mr. Wilson

before?

A No, I never saw him until the day I saw him at the office; that was on the 6th.

2. Then you don't know how long he has had that place?

A No, sir.

2 Or if he has had it for 35 years, going on the same way?

A. No,

2 - Well, you did not serve any written notice on Mr. Wilson when you went there on the 3rd?

A No; I served him a copy of the notice I had that day, and asked him if he was the owner.

2 not on the 3rd?

A On the 6th;

2 Where is the notice?

A. I suppose Counsel has the one I had there.

2. A copy of the notice?

A Yes, sir.

12 2 You did not serve anything on

13 hmm, did you?
Q Did you ask him to do any thing
A I suggested to him that if he put a check on the exhaust steam pipe there he would save the amount of money in a year and would not be told me it was not necessary for me to propound any such questions to him, that he had no answer to give me.
2. Is it the business of an officer of the Board of Health to tell a man how he can save the steam=
Ob. to
Q My object in that question was to see if Wilson was the owner of the premises, & he said he had no answer to make.
2 He did not even say he was the owner?
A No, sir.

0990

2 You found him in Bank Street?
A Yes sir.
2. You did not find him at 117 or 119?
A No sir.
2 You did not notify him & have extend his chimnies did you?
A No.
2 (The Court) What were they manufacturing there?
A Boxes.
2 Wooden boxes?
A Yes sir.
2. Who occupies 102 Green St.
A. Lawenstein.
2. And what do they do in that place? What do they manufacture?
A Hats.
2. Do they have any steam in their place?
A. I don't know.
2. Did you ever look?
A No, sir.
2. Do they have a chimney there, is there a chimney there

running up from this floor?
A. No, it is a very high building.
Q. A new one?
A. Yes, sir.
Q. That is up against Mr. Wilson's place, is it not?
A. Yes, sir.
Q. Did you ever talk with Rosenstein?
A. No sir.
Q. Didn't you ever talk with him about it at all?
A. No,
Q. And he did not tell you he wanted to get Wilson out of the neighborhood to make his property worth more?
A. No sir.
Q. There are certain states of the atmosphere when smoke will always come down, are there not?
A. Yes sir.
Q. If the atmosphere is very light, smoke will always come towards the ground?
A. Sometimes.

2. Have you not seen it very smoky all over the city for that reason at different times?

A. The day I saw the smoke more particularly was a bright clear day—

Objected to as the witness is examined as an expert; objection overruled; exception.

A. I have seen it, and the day I saw the smoke was a bright clear day; the wind blowing.

2. You have seen it in certain stages of the atmosphere when all the smoke came from the chimnies and made it very smoky?

A. Yes.

2. And you say it smoked?

A. I did not take particular notice because my attention was drawn to that, I passed there every morning.

2. The Board of Health was not prosecuting Producers then

17

for making a light atmosphere, and you did not notice it?

A. It is in my district.

2. Now, on the 8th of October when this change was made against Mr. Wilson, the smoke was going up then; and it could not annoy anybody?

A. I could not tell whether it annoyed the people in the stores.

2. If it went up it did not get into the stores?

A. No, sir.

Q. Have you been about that neighborhood considerable?

A. I pass there every day; probably twice and three times a day.

Q. About what time of day?

A. Sometimes, generally in the morning; I come through there from a quarter to four to half past seven.

Q. For how long a period of time?

Q. Just passed along.
2. I mean how long does that continue?
A. May be a minute or two.
2. For how many years have you been doing that?
A. About a year.
2. When was your attention first called to this matter?
A. My attention was first called to it, the men were out there to make inspections previous to my having that district.
2. And that is the first you knew of it?
A. Yes.
2. You never noticed it particularly before you went on to the inspection, and had your attention called to it there?
A. No, because I did not have that district.
2. Now, did not Rauenstein come there about it?
A. Not that I know of.
2. Complaints are not made to you?
A. No, sir.

19

2. What direction is 102 Green Street from 117 Prince St.?

A. 102 is the building on Green St. and runs back about 100 ft. and 117 Prince, it fronts on Prince Street & runs back to the rear.

2. Prince Street is North of 102 Greene St.?

A. Yes; Prince Street runs North, and East & West.

2. And 102 Green St. is South of 117 Prince St.?

A. Green St. runs North and South.

2. 102 Green St is South of 117 Prince St.?

A. No; it is North; right in the rear of 117 Prince St.

Ernest Napier called and sworn for Pl'ff. testifies as follows; By Mr. Bunker;

2. Where is your place of business?

A. No's. 121 & 123 Green St.

2. Do you know Mr. Wilson's

Place?
A. I cannot say that I do,
Q. Do you know 117 Prince ~~St.~~?
A. I know where it is, but I know nothing more.
Q. Do you know the chimney there?
A. I do not,
Q. Have you ever seen a chimney there?
A. I don't know that I have ever looked for it.
Q. Have you ever seen ~~the~~ smoke coming from the chimney out 117 Prince St.?
A. I don't believe I have.

Eugene V. Connett called and sworn for pltff. testifies as follows:
By Mr. Barker:
Q. Where is your place of business?
A. 118 & 120 Green St, and 102 & 104 Prince St.
Q. Do you know Mr. Wilson's place?
A. I know there is such a place.
Q. 117 Prince St?

21 A Yes, sir.
2 How long has that been & what is the annoyance; tell the facts without my asking you?
3 A Yes, unless the Counsel confines the inquiry to the 8th of October, when the charge is made against the plaintiff.

The Court: I think on reflection if you fix a particular date, and do not fix it to that date and other dates about that time, you are limited to the date upon which the issue was made. Counsel may offer evidence that on some other dates there were like offenses, in order to establish the fact that it was on that date, but I think you can only recover for the days on which

your charge. If you charge for a particular date and defd. takes issue on the case, for that particular date, I think you are bound thereby. Question withdrawn for the present

2 - On or about the 2nd of Oct. 1885?

A. I could not reply as to dates only in a general way, 2 - without limiting yourself to a date, but about the 2nd of October state the facts within your own cognizance?

Objected to the word "about"

The Court: I think I will receive that evidence, not as proof of the fact that it was on the 3rd day of October, but there may be evidence corroborative of that particular fact, of what occurred on the other day.

Allowed; exception.

0999

23 A. We occupied that store for about 3 years, and this nuisance has existed all the time —

Q'cled to the words "this nuisance":

A. Yes, we call it a nuisance when we have to close our ~~trans~~ doors and have to put our handkerchiefs up to our eyes to keep down the smarting sensation; then we call it a nuisance.

2. For the last two months has there been any cessation of that?

A. When it blows in our direction it comes in our store and we get the smoke, and during the summer we have to close our doors and windows, and in the winter it is not so much because they are all closed, and that keeps it out.

2. When the wind blows in

1000

your direction do you get the smoke from that chimney?
A. Yes sir.
Q. What kind of smoke was this thick, thin or cloudy or what?
A. It was a heavy smoke apparently from saw dust and shavings, very penetrating and stinging to the eyes.
Q. Did you notice it in the lofts of the buildings?
A. We only occupy the first floor.

Cross Examined:

Q. What is your business?
A. Manufacturer of hats.
Q. You are the gentleman the officer spoke about as manufacturing hats, you occupy no. 102 Green St.?
A. No! we occupy 118 and 120 Green St.
Q. Did you make a complaint to the Board of Health?
A. I signed a paper making a complaint.
Q. Who brought the paper

24

& you?

A I don't remember, I have no recollection.

Q When did he sign it?

A I cannot tell you that now.

Q. Do you tell me you have no recollection of the particular paper you signed there for plaintiff?

A Yes sir, I sign a great many papers, but I don't remember who brings them.

Q Do you sign everything brought to you?

A. That depends entirely on the nature of it.

Q. And you don't know when you sign it?

A. No sir, I don't, I could not tell.

Q. Was it a year ago?

A Possibly it was, it may have been more.

Q Who owns the building you occupy?

A. A man named Loeber is

Brooklyn.

2. Q. He wanted you to sign it, didn't he?

A. No, sir; I don't think he did.

2. Q. Has Losher ever talked with you about it?

A. No, sir.

Q. Who has talked with you about this matter?

Objected to as not material; allowed.

A. Well our neighbors through out the street there, in that neighborhood.

Q. Name one?

A. Mr. Taylor of Taylor and Segley, Mr. Ferry of Ferry & Lapere, and a number of others there.

Q. Have you named all you remember there?

A. Hawley of Hawley Bros. & Co., & Duncan of Duncan & Yerkins, Allen of Allen McCaul & Co.

Q. They have all talked with you about it?

A. Yes, sir.

27 2. Who else?
A. I don't think of any other; Solley of Solley & Walker.
2. Any one else?
A. I do not think of any more.
2. The man who lives at No. 102 Green Street never said anything about it did he?
A. I don't know whether he lives there now or not.
2. Lawrenceson never said any thing to you about it?
A. He never said any thing — no.
2. How far is your place of business from his?
A. I suppose we are about 200 feet from the Chimney.
2. North or South?
A. South East.
2. Which way has the wind to be in order to bring the smoke to your place?
A. From the North West.
2. And did you say it comes there every day?
A. Not every day; only when

the wind blows in our direction.

2. About how often do you think the wind blows in your direction?

A. That is a question would be pretty hard to answer; often enough for our Comfort.

2. You do not like a North West wind?

A. Not when it is accompanied with this smoke.

2. Now, you state it made your eyes smoke when it was 200 ft. away?

A. Yes;

2. It is a very high chimney?

A. Not very high; it does not come up as high as the buildings about there.

2. Do you swear to that?

A. I think not.

2. What buildings do you allude to?

A. The buildings that surround it on Green St.

2. And that is as true as anything else you stated?

29 C (Yes, sir.
2. Are you willing to have it put in that way?
C (Yes, sir.
2. That it is as true as any thing else?
C (Yes, sir.
2. Now you state it made your eyes smart?
C (Yes, sir.
2. Did your eyes & mart with that smoke?
C (I said so, didn't I.
2. You did, I ask you again if it did?
C (Yes, sir.
2. And you are a black man from it?
A. Two hundred feet I should think, or less.
2. Well, that is a black?
C. Well, it is two feet I should think.
2. How many times did the smoke make your eyes smart?
A. As often as it came in

the store.

2. And you felt away, it came in in such volumes and so quick as to make your eyes smart and you had to shut them?

A. Very frequently.

2. And you mean to tell that to the jury as the truth?

A. I do, certainly.

2. Your language was "our eyes would smart."

A. Will all the people in our store, customers as well as myself.

2. And you are prepared to swear that the eyes of every one in your store smarted?

A. Yes.

2. And you know that as well as that your own smarted?

A. Yes.

2. How long have you lived in that neighborhood?

A. 2 years.

2. You said that this smoke

31

came from saw dust apparently; now can you state the difference between smoke that comes from saw dust and other smoke?

A. There is a difference; there is no smoke from anthracite coal that I have observed.

Q You know that there is no smoke from it?

A. I never saw any.

Q. Now, tell us the difference between what comes from saw dust, and what comes from soft coal?

A. I don't know that I can explain the difference; I know that the smoke that comes from the chimney is of a heavy pungent nature; I saw it settle in the street so heavy and dense a cloud you could not see up or down the street.

Q Now you state you can tell

the difference between smoke that comes from saw dust & the smoke that comes from something else?

A. I know there is a difference but I cannot tell it.

Q. Then, why did you tell the jury that the smoke that came into your place and made your eyes smart came from saw dust?

A. Because I know he burns saw dust.

Q. Did you ever see any saw dust burned in there?

A. I have never been in his establishment.

The Court; The witness corrected himself and said he believed it -

Q. Now, do you believe it?

A. Yes, I think he does

Q. On what do you base that belief?

A. Because he produces saw dust in the manufacture of his goods, and I think he

uses it under his boiler.

2. He produces bogus in the manufacture of his goods?

A. Yes.

2. Do you presume he burns those?

A. I don't know as to that.

2. You are a little eager to thrust forward your opinion?

Obj. C.

2 You said that it apparently came from shavings, the smoke?

A. Shavings & sawdust.

2. Then, perhaps, I have got my question wrong; can you distinguish smoke that comes from shavings and sawdust from that which comes from other kinds of wood?

A. No; I don't know that there is any difference whether it is in the shape of sawdust or shavings or of wood; the smoke is about the same.

2 Then your statement that it

apparently came from saw dust and shavings you don't know anything about?

A. It is general in the neighborhood, that is what they use.

Q Do you know anything about the statement you made that it apparently came from shavings & saw dust?

A No, I don't know.

Q You stated a little while ago that the smoke came down & the sheet so thick that you could not see; can you tell us the occasion of that?

A I could not tell you the date, but quite frequently.

Q In what sheet was that?

A Green St.

Q In front of your store?

A No, above us.

Q Where were you when you saw this?

A Looking out of our store, door way.

Q How far above you was it when you saw it?

35

C. 1. Heard noise.
2. Now you did you stand from your desk when you saw it?
A. I stood in the door way.
2. And what were you doing?
C. Smoke.
2. How long did you stand there?
C. I don't remember now.
2. And the noise you saw coming from the sheet, it came down in the sheet so thick you could not see through; now how many times did that occur?
C. A great many times.
2. How many times about?
A. I could not tell, but very often whenever the wind is quiet the smoke would settle down in the sheet and if did.
2. How often did that occur?
A. Quite often?
2. Were you in the door way every time?

(In not always.
Q When it settled down in the street 200 feet away did it trouble you?
A I did not trouble me particularly.
Q Did it trouble your customes?
A not at that particular time.
Q How large a chimney is that?
A I don't know anything about it.
Did you notice about it so as to say that it was not as high as the building surrounding —
A That is my general impression.
Q (Inter) How high is that building you occupied; how many stories?
A Six stories.
Q You have never looked at this chimney?
A I seen it come over from my residence, whenever I looked in that direction, I could see the smoke coming out of it.
Q About how high was it above

37

the building that the factory was in at No. 117.

Q. And about how high was the chimney above the roof of Mr. Wilson's factory?

A. I could not state exactly; my recollection of that chimney is that it was not quite as high as the building that surrounded it; it may be fully as high but I thought it was lower.

Q. How high is Mr. Wilson's factory; do you know; how many stories?

A. That is a low building; it is an old structure two or three stories in height I should think.

Q. Your judgment as to that is as accurate as it is about the smoke; would you not think it was?

A. Yes, I remember the smoke distinctly because it was brought to my mind often, and the building I don't

notice; I did not take any particular notice of the building, as I passed it, Wilson's place."

2. You must have noticed it?

A. I would not have noticed that building at all had it not been for the smoke that was reflected upon occassions. That building, me know, where the nuisance comes from, and we look at the building occasionally, because it is of some consequence to us in the neighborhood.

2. Then you have looked at it?

A. Yes, sir.

2. And in looking at it, you know what it is?

A. I have no particular recollection of the building itself.

Mr. Counsel having previously referred to the case of the People vs Crowley in support of the proposition that evidence

could be offered as to the condition of the premises not only on a certain date, but on or about such date the Court after examining such authority, holds as follows;

The Court; I find on looking over ~~looking~~ at the authority presented by plff's Counsel in the case of the People vs Crowley that plaintiff should not be concluded by the particular date in the pleadings.

Charles Ricker a witness for plaintiff called and sworn, testifies as follows;

Q Where is your place of business
A I have no place of business; I am employed by Rowenhorn at No. 121 Green St.
Q Do you know Mr. Wilson's

Place?
C. I don't know Mr. Wilson's place; I know a place there that they call Mr. Wilson's place; otherwise they call it Bendick's place, box factory.
2. What is the number?
C. 117 & 119 Price St.; something like that.
2. Do you know the chimney there?
C. Yes, sir.
2 Do you have any smoke in your street?
C Yes.
2 Any smoke in your place?
C Yes.
2 Where does he come from?
1, From these chimnies.
2 This box factory; 117 & 119 Price Street, which is it 117 — or is it the one building?
C. I think it is all one building.
2 Now go on and talk about this smoke coming from this chimney?
40 A. Where I am employed

4. 1

in the back part of your building, it comes over towards the rear part of this building?

2. It is 119 & 719?

(A. Yes; and I had occasion during the summer while working at these back windows there, very often to close my windows; they were very hot days; that was on account of the smoke.

2. I want to know about the smoke and what you saw?

(What I saw just as I say; I often saw the building filled with smoke; not only one floor but others.

2. What was the effect of the smoke; how did it seem to have any effect on any one?

A. It was very disagreeable to me.

2. What kind?

A. It was very black smoke;

very heavy.

2. Q. How disagreeable is you was it?

A. So that it made me cough. Sometimes if it came in too heavy.

2. Q. Did it affect your eyes?

A. Sometimes it would affect the eyes too.

2. Q. Have you windows open?

A. I took good care when I saw the smoke coming to close them.

2. Q. Did it affect your eyes?

A. Sometimes it effected me on my breast more, when I would inhale it.

2. Q. As I understand it was all through your building?

A. When we have our rooms windows open.

2. Q. I want to ask you what you said before?

A. The smoke comes in the upper lofts; the second, third fourth & fifth I believe it is.

Cross Examined.

42 2 The buildings are old

43

Q. Now that you speak of? This building I think is about 3 years old; I have been there since — we occupied it about 3 years.

2 What is your business?

A. They are importers.

Q. Of what?

A. Ostrich feathers and of such things.

Q. On what street is your place?

A. 121 & 123 Green St.

Q. I understood you to say, that the smoke from those chimnies came into your back windows; what do you mean by that?

A. Our back windows.

Q. Is there more than one chimney?

A. Yes. There is one large one and several small ones.

Q. Several small ones?

A. Yes.

Q. Well there are manufacturing places about there are there not; not in this same building;

but in different buildings?
A. I think so.
Q. Brays factory?
A. Mast factory there also.
Q. Does the smoke come from that?
A. Yes sometimes.
Q. Was there any other factory there?
Q. Could be as witness
Will not say he was
annoyed by it.
Q. Smoke does come from that.
Q. Is there any other chimney about there?
A. Those are about the only ones.
Q. Mr. Wilson don't know a glass factory?
A. No I do not think so.
Q. Where is that, exactly?
A. I think it is next door, or one or two doors below.
Q. Below you?
A. Further off, from us; I think it is the next building.
Q. Did you ever see smoke coming from anything

45

else except these two buildings in the vicinity?
I could not say.
Q. Have you an elevator in your building?
A. Yes.
Q. And you have an engine room?
A. Yes
Q. Did you not see the smoke stack from your room?
A. I have been told so.
Q. But did not notice yourself?
A. No; I did not notice that, I never saw it so that it affected me any.
Q. But you saw it do you noticed it?
A. I saw smoke coming from the chimney.
Q. There are elevators in all those buildings about there?
A. I think so.
Q. Now where there is a furnace — is not the one

next door to you or Adams
elevator?

Q. Which one do you mean?

A. The corner.

Q. I think it is.

And they have a chimney
there?

A. That I don't know; I think
they have.

Q. Those chimnies are the
highest from the roof, Wilson's,
or those on the corner
building; which chimnies are
the highest from the roof?

A. That I don't know.

Q. Well, the largest chimnies
would be the most likely to
smoke, in your estimation?

A. No, not every time, because
in those small chimnies
they did not have fire so
often; that is it did not
smoke so often.

Q. Well, you have seen smoke
from those small chimnies
very often?

A. I have seen smoke coming
from the small chimnies

47

right into my windows, but lately I have noticed that there is no smoke from these small chimneys.

2 Now, if you were not looking, it would be hard to distinguish which smoke came into your windows from the small or large windows?

A. I could see by looking out a four foot windows where the smoke came from.

Re Direct:

2 Did you notice the color of the smoke from the two factory?

A. Yes.

2. Is it the same color, or of a different color?

A. The two smokes one of a different color.

2. Different kind of fire?

A. Yes sir.

Re Cross:

2 What is the difference in the

color?

A. The brass factory has generally a white smoke or sort of yellow, and what comes from the box factory is very black and thick, and dirt and cinders and smoke always fell under my feet from the window and on the shop. I was working on it when I came.

Q. What kind of smoke came from the wooden chimney?

A. It would be black at times, and at other times I would see no smoke at all.

Q. Sometimes it would be black like the smoke from your own chimney?

A. Probably in the morning whenever the fire started I happened to see it.

Q. The chimney of the brass factory has been raised?

A. Yes; it was raised sometime ago.

49 David Reuben, called &
sworn for Plff. testifies as
as follows;
By Mr. Banker;
Q. What is your occupation?
A. I am employed by Reuben
Brothers; I am a clerk there.
Q. Have you noticed this smoke
from Mr. Wilson's Chimney?
A. Yes, as business
should ~~make~~ state what
he has noticed.
Q. What have you noticed
from the Chimney No. 117
Bruce St?
A. My experience is —
Q. The Court; State what you
have seen?
A. State what you have noticed?
I noticed smoke coming
out of that chimney, and we
are right in the rear of the
Chimney, so that when the
smoke is coming out of the
chimney it comes through
the windows, and when the

wind blows in that direction it blows the smoke through our windows and when we in the rear of our store we smell the that smoke & that smoke is very disagreeable smoke.

Q Did it have any particular effect on you?

A It did.

Q What was it?

A Last year,

Q What was the effect?

A Objected to on the ground that the witness is not an expert.

C. It affected me on the throat a little.

Q Did it make you sick, how did it affect you or your throat? Did you have to leave your employ?

A No, sir, but it was not comfortable; as long as I breathed it I did not feel well.

Q Did you feel sick?

50 A I did not feel well.

51 Q. How long did this continue?
A. That I cannot tell exactly, because the last time —
2. What kind of smoke was it?
A. A kind of bluish grey, it was a grey & blue smoke; a bluish grey smoke.
2. Was it dense or thick or thin — did it come down?
A. It was a cloudy smoke.
2. And where did you see it? You say it came into the mill rooms; now where did you see it before it came in —
A. Coming out of the smoke stack.
2. Did you see it in the stack?
A. No, sir.
Q. You were in the rear?
A. Yes; I was in the rear; our store and that store are right near to that smoke stack.
2. Then you saw it in the

yard; is there any open space between, and did you see it there?

A Yes sir.

Cross examined.

Q How long has Mr Lawrishon been there?

A Since January 1888.

Q Did he build that shop?

A It is our building.

Q Are you a member of the firm?

A No sir; Lawrishon Brothers build it.

Q It is close by your place?

A Yes, in the rear of it.

Q You heard Mr Lawrishon talking about this factory; have you not?

A Yes sir. We made complaints several times to the Board of Health, and some of the Inspectors of the Board of Health came there and inspected it.

Q Who attends to Mr Lawrishon's business?

A I cannot tell you.

53 Q. Don't you do it?
A. I am only a clerk in his employ.
Q. Did you ever hear Lemuhan complain of the differences in his insurance on account of this factory being there?
A. I did not
Q. You never heard him say any thing about it?
A. No; I do not know any thing about insurance business; I do not know anything about that.
Q. Will you read to & supply your place with Sloan from the elevator?
A. I do not read.
Q. Is Mr. Lemuhan here?
A. No; he is not here.
Q. Where is he?
A. I believe he is in our store.
Q. He sent you here to testify?
A. No; I got a subpoena from the Board of Health to Court.

Q. Now, you say, you saw some kind of a bluish character on color, and it came into your back window?
A. Yes.
Q. Have you got an elevator in your place?
A. We have.
Q. Is it run by steam?
A. Yes.
Q. And you have a boiler & engine below?
A. Yes.
Q. And you have a fire there also?
A. Yes sir.
Q. Did any smoke come out of your chimney?
A. I don't know; I cannot see so high.
Q. You were watching Wilson's & not yourself, were?
A. I cannot, because Wilson's chimney is not as high as our's; because I cannot see it.
Q. That is yours is up high up &

55

(i You cannot see it!
I cannot see our smoke stack, but I can see that in the rear.
2. It is probable some smoke comes from your's?
(A Yes; but I cannot breathe this smoke certainly.
2. Did you ever see any of the smoke or the color of the smoke coming from your's?
(A I cannot; I cannot see it because the smoke is so high and our building is so high.
2. Do you recollect how long Mr. Wilson supplied you with steam to run your elevator?
A. I don't know; I am not quite sure about that; I think since the end of 1883.
2. At the end of 1883?
(A Yes; I am not quite sure about that.

2. Now, there was no complaint made to the Board of Health before that?

(I don't know as that has anything at all to do with it.

2 Q. Was there a witness once before?

(Yes, but not in that case, in another case I was a witness.

2. Was that a smoke case?

(Yes, there were two cases at once.

2. Was there a complaint against Some one else for smoke?

(Yes; but he abated it.

2 Q. Who made the complaint?

A. The Board of Health certainly, and we made the complaint to the Board of Health.

(You did - to the Board of Health, and they made the complaint?

(Yes; we complained to the Board of Health, and the Board of Health made the

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complaint.

Q. How long ago was that?

A. I think last year about September I made the affidavit, & Mr. Moffat, on the raised his chimney.

Q. You went in as a witness in that case?

A. Yes.

Q. And you were beaten in that case?

A. No; Mr. Moffat he abated it.

Q. Who made the complaint?

A. As far is I'm. Moffat's chimney from Wilson's? So as forbad; I cannot tell.

Q. And that is all the difference?

A. That is all the difference according to our judgment.

Q. Does any smoke come out of Moffat's chimney now?

A. Yes, but it does not trouble us.

Q. Why not?

A. Because the chimney is raised; he made the chimney

higher.

Q. Which is the higher chimney
now of the two?

A. I don't know; I think Mr.
Moffat's.

Q. Don't you know that Mr
Wilson's is higher?

A. No.

Q. Well, from the looks of it?

A. I am not an expert in that.

Q. There is not much difference
in them?

A. I don't know.

Q. Would you not notice that?

A. No.

Q. Now, on the trial of Mr.
Moffat you swore his smoke
made you sick?

A. I don't think I did.—

Obj. to; excluded.

Q. Once you swore on the
trial of Mr. Moffat, about
his chimney?

Obj. to; excluded, as
not founded on any
facts.

Q. Didn't you swear on that
trial that it was ~~since~~ Moffat's

59 smoke that made you sick?
objected to, excluded,
exception.

Q. Now you state that smoke came in there and affected you on your breast; that it came into your window and affected you on your breast when was that?

A. That was last year in September I think or August.

Q. Can you remember what day of the month it was?

A. No sir.

Q. How did it affect you on your breast?

A. When I breathed it in it felt sick kind of here —

(Illustrating)

Q. What did you breathe it for?

A. Because I had to; if I am busy in my store and the smoke comes in I have to breathe it.

Q. Did you shut the windows?

A. no; it is too hot in the summer to shut the windows,

Q. You would rather breathe the

smoke as it came in - Have to shut the windows?

A. No, sir.

2. Then why did you not shut the windows?

A. Because I cannot; it is too warm there.

2. You would rather take the smoke than the heat?

A. I would rather not take the smoke at all; I do not want to take it.

2. Do you smoke cigars?

A. Yes,

2. Did they ever make you sick?

A. No,

2. Never affected your breast at all?

A. No, sir.

Q/ Samuel A. Goldsmith, a witness for plaintiff called and sworn, testifies as follows,

By Col. Rountree;

Q. You are a Chemist, by profession?

A. Yes.

Q. And are, and for many years have been an Inspector of the Health Department of Newyork?

A. Yes,

Q. And you have inspected those premises, No. 117 Bruce St. and the chimney there?

A. Yes.

Q. And the furnace?

A. Yes.

Q. And you know about the fuel and the effect of burning that kind of fuel?

A. Yes.

Q. Now, go on and state all the facts without questions, so that the Jury may understand -

A. The building 115 & 117 Bruce Street is occupied by a box

factory and carpenters and similar trades. There is a boiler in there which is partially fed or entirely fed — or worked with shavings and a certain amount of saw dust, produced by the occupants of the building; complaints have been made for a number of years;

2. Your attention was directed to it by the plaintiff?

A. Yes, and the orders were made on Mr. Wilson, and then notwithstanding the complaints continued to come in after. The smoke is produced by the combustion of these shavings; it pills the street at certain times when they are firing the furnace, and enters into the windows of the different buildings around on Green Street and in the vicinity, at certain times with the smoky fragments of soot and of fine particles of burned

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wood which are driven into some of the buildings and set up, and then the smoke causes the inhabitants of the various buildings to keep their windows closed in order to prevent the same entering the building.

Q What is the effect of such smoke in places where human beings are living & breathing?

A It pollutes the atmosphere and causes an oppression of the lungs and general discomfort.

Q Is it detrimental to life and health?

A Decidedly detrimental to life & health.

Q What sort of a chimney is it? Brick, iron or tile?

A The building is a five story building and reaches 2 Units about the top of the third story of the buildings on Green St. The Chimney rises, or is built from the sidewalk; it is not an

independant chimney, factory
chimney but it is built the
same as any ordinary house
chimney would be and it
rises about 15 feet or so from
the top of the building. There
is also in the rear of the
same building a smaller
chimney, which is probably
not over 15 feet from some
of the windows.

Q Belonging to some factory?

A Yes, the small rear chimney
is of mas used in connection
with the stove, a rear chimney,
and the stove is fed by
openings in such a manner
that the smoke from that
joins the smoke of the
large chimney and goes
into certain buildings; but
the most nuisance created in
the neighborhood is that of the
large chimney from the boiler
and the small chimney
is confined to one or two
buildings in the immediate
vicinity."

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2. How does the height of the chimney compare with the buildings that are near?

A. It is lower than some of the buildings in the neighborhood, and lower than some others.

2 Something has been said about a brass factory in the neighborhood; is the smoke from the brass factory the same, and what is the difference in the fuel, if there is any?

A. The brass factory uses coal or coke, and uses perhaps a small amount of wood at a time, but the main fuel is coal or coke, and the fumes produced are of a white character and when casting of a greenish hue, absolutely different. This smoke is a heavy black smoke produced by an entirely different character;

There is, I may say, a

TORN PAGE

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certain modification in this smoke Sometimes, from the appearance of the smoke on Wilson's place. There is an exhaust in there and sometimes the smoke from the exhaust may blow across the smoke and lighten its apparent appearance. So that it may sometimes look white, when you look at it through the steam than when you look at it from the other side.

2. Because the exhaust of steam comes through the chimney?

A. No, but it is placed near it, but if you look through it the smoke looks whiter than if you look on the opposite side.

Q. Has there been any change made in the chimney of the wood factory?

A. It was raised ~~40~~ 40 or 60 feet; that was under my direction.

Q. Do you know how long ago that was?

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TORN PAGE

67 A. About a year ago, I think, somewhere about that.
Q. Did you make an inspection of this paper called an order? — On September 21st did you?
A. Yes.
Q. And you found the nuisance continued?
A. Yes, sir.

Paper marked for identification Dept.'s Ex. 1.

Q. Are you acquainted with the signature of the Secretary of the Board of Health?
A. Yes, sir.
Q. Who is the Secretary?
A. Emmons Clark.
Q. Is that the signature?
A. Yes.
Q. And is that the seal?
A. Yes.
Q. Of the Health Dept.?
A. Yes.

Dept. Counsel: We now offer in evidence Section No. 92 of the Code as

pertaining to the Board of Health; also the secretary of the signature of the Health Department.
Objected to as not properly ~~[illegible]~~ exemplified.
Admitted.

Defts. Counsel; We further object to the introduction of these papers on the ground that the seal of the Department and the Certification by them is not a proper exemplification.
Allowed; exception.
Marked in evidence Defts Exhibit One.

2. Is that the signature of the Health Department?
Presenting paper.
A. Yes, sir.

Defts. Counsel; "We now offer in evidence a copy of the Sanitary Code for 1873 — Section 92."
Objected to on the

ground that there is no authority for the admission of any paper, certified by the Health Department, that it is not properly exemplified.

Admitted; exception.

Cross Examined; By Mr. Warren.

Q. Do you have charge of the complaints made by the Board of Health Dep't?

A. Complaints of nuisances from factories are referred to me for examination.

Q. Who first made a complaint of you in reference to Mr. Wilson's factory?

A. I think I received in the neighborhood of half a dozen at various times.

Q. Who made the first one?

A. That was 10 years ago, and it would be impossible for me to-day.

Q. Were you in the Board of Health 10 years ago?

A. For 10 years ago I was; about

that, - connected temporarily with the Board.

2. You were there ten years ago and a complaint was made to you?

A. About that time.

2. And you let it run since that time?

A. No; a number of fenders have been served on Wilson, & a suit was brought against him.

2. Can you name a single suit brought against him before these?

A. I am not the attorney for the Health Department; suits were commenced

2. What became of them?

A. I am not the attorney for the Health Department; that is beyond my jurisdiction.

2. Well, when were those last complaints made, or what Lawrentein made the complaint to you?

A. I don't recollect the names at all.

2. (The Court) Lawrentein —

71 Q Lewishon made several,
2 Did he commence ten years ago
& make complaints?
A Yes, I think his building was
put up three or four years
ago, but I am not sure
about that.
Q Wilson was there ten years ago?
A Yes; I may say that ten years
ago, the nuisances were then.
Q. When did Mr. Lewishon first
make a complaint?
A. In 1882 or 1883; I am not sure
now; Somewhere about 1882 or
1883.
Q. When was the building finished?
A That I don't know.
Q Do you recollect what time in
1883?
A Sometime in the summer of
1883.
Q. And probably before that?
A Yes
Q Was he not the first man
you can name that ever made
a complaint against that factory?
A No, sir.

Q Name one other?
A I cannot name any one else but there are a number of others; that is impossible without my note book.
Q Well you cannot do it at present?
A No; I have in the neighborhood of several 100 —
Q And you remember Lawrenchon because he kept it up pretty well?
A No, but I remember Lawrenchon because his was a convenient place to go in and look at Wilson's chimney from.
Q How so in there frequently?
A Several times.
Q How many times?
A. I am 10 times in the course of a couple of years.
Q You became quite a frequenter?
A No, not at all; I don't know as I know Mr. Lawrenchon if I saw him outside of the building.

72 Q. With whom did you

talk?

A. I believe I spoke to Lawenohon 2 or 3 times, and to his head bookkeeper some and 2 or 3 clerks about the same time.

Q. Do you say you spoke to him 2 or 3 times and would not know him?

A. Certainly; I suppose I see, in the neighborhood of 3000 or 4000 buildings in the course of a year.

Q. There is where you went, when you went to inspect that building; into Lawenothon's?

A. Yes. I doubt very much if I should know Lawenohon if I saw him in the street.

Q. You were going over to inspect that building & then you stopped into Lawenohon's store, which was pretty close by?

A. The rear of Lawenohon's store I believe is 10 or 15 feet from the rest of it.

Wilson's building.

2. Did Kawenhoven say anything to you about the nuisance he had to pay?

A. He never spoke to me and he never said anything.

Q Never spoke to you at all?

A not about anything except the matters connected with the case of Wilson and of Moffat.

2. How many conversations did you have with him about matters connected with the case of Wilson?

A I suppose I spoke to him on 3 times; he complained of the nuisance of the smoke.

2. He is a man of a very persuasive character?

A I don't know.

2 Has he not induced you to some activity in this case?

A Certainly I am not any more active in this case than in any other, if it comes in contact with my business; as an Inspector of the Board of Health.

75 Q Now do you mean to tell the Jury that the smoke that came out of Tuloon's chimney was detrimental to health? A Most detrimental to life & health.

Q Leaving out the health, do you mean to tell the Jury it is detrimental to life?

A. I am not a physician, but if a person has one of his lungs—

Q (Repeated) Do you mean to tell the Jury that smoke is detrimental to human life?

A Most certainly; if you get enough of it

Q Was there enough of it there to make it detrimental to human life?

A. I have not been there all the time; I don't know how much he is giving out when I am not there.

Q Was there enough of it there when you were there to be detrimental to human life?

A Yes, if a man inhaled it fully.

Q. Did'nt you swear on your direct examination it was detrimental to human life?
A. I did.
Q. Don't you know that that building has been there for 35 years?
A. I did not.
Q. Do you know of anyone whatever died from the effect of the smoke?
A. I know nothing about that.
Q. You are a chemist?
A. Yes.
Q. What is the chemical composition of this smell which is so detrimental to life?
A. Unconsumed carbon mostly.
Q. Is smoke unconsumed carbon?
A. It is black smoke produced from shavings; if the carbon was entirely consumed you would have no smoke
Q. And smoke from shavings is more detrimental to human life than smoke from coal?
A. Objected to as not definite.

77 A Coal if properly burned produces no smoke very often, I may say at this time that every particle of that smoke that comes out of the chimney is so much fuel or money out of Mr. Wilson's pocket.

Q Did you tell him that?

A No; I never had the pleasure of meeting Wilson.

Q Why did'nt you tell somebody about it?

A That is not my business.

2. There is a great deal of steam comes out of the chimney?

A I did not notice.

Q Well, there is an exhaust pipe near to it?

A. There is a certain amount—

2. And they mix together?

A. They are very apt to go side by side.

2. And as the wind blew one way the wind and smoke would come together?

A Yes, certainly; except the

steam would not go as far as the smoke.

2 - When they were mixed, you could not tell one from the other?

A. Yes, because steam is very minute in proportion to the amount of smoke produced; you will see the smoke and the steam would be dissipated, & then it would not be seen after a short distance;

2. Is there not ten times as much steam, exhaust steam, as there is smoke in volume?

A. The only way you can tell that would be by measuring it.

Q. You would not think so by looking at it?

A. Steam shows a great deal, & looks much, but I could not tell anything at all about the volume; but I should be very sorry for his peeming profits if he allows ten times as much steam & gas out of the exhaust, as he does of smoke from the chimney.

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I doubt if at any time there is as much steam produced from that exhaust as there is of the other.

Q. Well is there five times?

A. I doubt it very much.

Q. Well, you don't know?

A. Certainly not.

Q. Now, do you say that Wilson's chimney is lower than the adjoining building?

A. It is lower than some of the adjoining buildings in the neighborhood.

Q. What building is higher?

A. It is my impression that the building of Moffat and the Rawenshaw building and that corner building — that they are both higher. Rawenshaw's is the second or third I think.

Q. How long has Rawenshaw's building been put up?

A. I don't know.

Q. Does it look like a new one?

A. It has been put up in

four or five years; that entire neighborhood has changed within the last few years, and a great number of buildings have been put up, and many more people have moved in the neighborhood within the last half dozen years. Ten years ago there were a certain number of dwellings in there, and now they are practically driven out,

2 Q. Now, it is almost business entirely, ?

A. Yes.

Q. Well, those business places are not occupied by any one except in the day ?

A. That I don't know. I presume there are a number of people living in the neighborhood.

Q. Which is the higher of the chimneys, Wilson's or Moffat's?

A. Wilson's is higher than Mr. Moffat's.

80

81

Q. Well Moffat's is high enough?
A. The character of smoke is entirely different.
Q. Is Moffat's high enough?
A. I consider it at present high enough not to create a nuisance.
Q. And Wilson's is the higher?
A. Yes.
Q. You have inspected Wilson's premises before?
A. Yes.
Q. And you served a notice on him?
A. No; that is not my business.
Q. You had them served?
A. I don't know anything about that.
Q. When were you there the last time, on Wilson's premises?
A. I think either in August or Sept. of this year?
A. Yes.
Q. Were you in his premises then?
A. I was in there, either in August or September.
Q. You examined the whole thing?

A. No, I did not go through the entire building then.
Q. Did you examine the furnaces & chimnies?
A. No, sir.
Q. Did you make any statement in regard to the smoke?
A. I said, I saw Mr. Sundick there, and he said he had put in a patent feeder and for some months it was better; I said I understood that there had been certain improvements at that time, that it was better & I certainly considered it was better than when the complains originally came in, 7, 8 or 9 years ago.
Q. Did you say it was 90 per ct better?
A. That I could not recollect.
Q. Was it ever 90 per cent better?
A. I don't know.
Q. You would not have said so, if it was not?
A. If I said so, I presume it was so.
Q. People lived there 8 or 10 years

Q So?
A Yes, but for 10 years ago the buildings were 3 or 4 stories, & the complaints then came from the corners of Broadway & Prince St. and for the same distance on the other side.
Q. There has been a great improvement?
A. I think there is an improvement over what it was 8 or 10 years ago.
Q. But you never heard of anyone dying?
A. I do not keep the mortality records.
Q It is 7% per cent better?
A I don't know whether it is or not.
Q. Didn't you tell Murdock it was?
A I don't recollect that.
Q Do you know what kind of fuel is burned in a brass factory?
A Mostly coke, on coal on general principles.

Q. Burned on general principles?
A. Certainly,
Q. What do you mean by general principles?
A. I mean if you are running a brass or copper foundry in Manhattan, you should use coal or coke most entirely,
Q. You had complaints against that?
A. No, that was on account of the fumes?
Q. No smoke?
A. No, sir,
Q. Then, what the other witnesses said is not correct?
A. I do not know what the other witnesses have said.
Q. You stated that fragments of wood would be blown into the adjoining buildings from the chimney?
A. I said that small portions of unburned shavings.
Q. Did you see that fragment of wood?
A. I said small portions of unburned shavings and soot

Q Did you see that?
A I saw that on the window sill and on the floor.
Q When did you see that?
A In August and September ~~years~~ days ago.
Q You were not there on Monday?
A Yes.
Q How often were you there on Mec?
A The last time I was there was either in August or September last, I went in on Monday because I understood this case was coming up.
Q And you wished to have your mind refreshed?
A Yes
Q Did he freshen your mind, Rawenshaw?
A I do not understand your expression.
Q You went in there to get your mind refreshed?
A Yes to the location of the buildings.

2 Did you see Lawrenson?
A Yes, sir, and asked him if I could go to the fourth floor & look out of the window.
2 You went there?
A Yes.
2 And got your mind refreshed?
A. I looked at the position of the various Chimnies & of the buildings.
2. You had seen them before?
A Yes.
2 How many times before?
A I suppose half a dozen times.
2. More than a dozen times?
A. Very likely, or a dozen perhaps.
2. And yet you went there again last Monday?
A. Most certainly, as I always do when I am called in Court, as I suppose I ~~always~~ visit 4000 or 5000 buildings in the course of a year; and I find it is utterly impossible to remember the exact localities for Cross-Examination.

2. Who has punched you up to prosecute Mr. Wilson?

A. I am punching up myself.

Re Direct:

2. The attorney was the person who punched you up on that occasion?

A. Yes.

Q. The last time you were there you found the nuisance continued?

A. Yes.

Recross

2. What did you find there continuing the last time?

A. I saw smoke coming out of the chimney, and on the window sill and floor fragments of soot and small portions of partially consumed wood.

Q. You did not see the small portions of wood come there?

A. No

Q. Do you know how they got there?

A. I suppose so - most decidedly.
Q. Do you know how they got there?
A. In common sense I think they got out of that chimney.
Q. Could they get there any other way?
A. I doubt it very much.
Q. (Repeated)
A. I do not think so.
Q. What is your opinion?
A. Yes.
Q. And smoke was coming out of the chimney?
A. Yes.
Q. Did you look at any other chimney in the neighborhood?
A. Yes; I looked at 3 or 4.
Q. Any other smoke coming out of the chimnies?
A. There was a certain amount of smoke coming out of half a dozen chimnies.
Q. Was that a nuisance?
A. I saw no smoke.
Q. Then when you saw smoke coming from Wilson's chimney - you stated you saw smoke coming from Wilson's

chimney, and from half a dozen others?

A. Yes, but the smoke from Wilson's chimney is of an entirely different nature from that of any other smoke in the neighborhood.

Q. You said you looked ~~out~~ out of the basement windows and that the nuisance still continued?

A. Yes.

Q. Why don't you call the other chimneys nuisances?

A. Because they were not creating a nuisance, in my opinion.

Q. So that there is a particular direction at Wilson's?

A. I don't know that there is a particular direction, in any manner.

Thomas D. Mitchell, called and sworn as a witness for Pltff, testifies as follows:

By Mr. Barker:

2 Q What is your occupation?
A I am an officer of the Health Department, detailed to the Sanitary Squad, and have been detailed on inspection for some time.

2. Q Do you know Mr. Wilson?
A. I know him only once at his office, and once here before today.

2 Q You know his place?
A Yes; so called — his place.
2 Q You had some talk with him about it?
A Yes.
2 Q His place No. 117 Prince St, is he the proprietor there?

Objected to on the ground that if Mr. Wilson owns the place it must be proved in a proper way.

Allowed. Except.

90 2 Q You do know?

91 A From his own acknowledgment
that the property belonged to him.
Q What was your conversation
with him?
Objected to as soon as
proof of title to the
property is concerned.
Allowed; exception.
A. I went to his office to
ascertain if he owned the
property, and he told me he
did, & I said that my object
in going there, in addition to
learning whether he was the
owner of the property or
not, was relative to the
nuisance that existed there
from the smoke issuing from
the chimney; and he made a
remark to me, that he had
made a proposition to the
Board of Health, that if they
would find him some
place to burn these shavings
he would willingly - to it, &
pay the expense, that he did
not know whatelse he

could do to stop it and before I left he told me he was going to put in a condenser to condense the smoke and to prevent it going through the chimney.

Q. You saw the smoke coming through the chimney?

A. I saw it at a distance.

Q. You have been there since?

A. Yes.

Q. Has he put in any condenser or changes?

A. No, sir; not that I discovered.

Q. Have you seen any smoke coming out there lately?

A. I did on the 30th of this last November.

Q. Is that the only time you saw smoke coming from there as you recollect?

COURT CONTINUED.

A. I have seen smoke coming there on other occasions when I have been there.

Q. You have seen it coming from other chimnies?

A. I suppose so, but I did not

pay any particular attention & that because my attention was not called to that.

Q. What particularly attracted your attention & Wilson — because there was so much ~~attention~~ noise made about it?

A. My instructions have been for sometime to keep those under surveillance.

Q. Any one else's chimney?

A. There is no other manufacturing chimney in that neighborhood where so much smoke comes from.

Q. You had no directions as to any one else's?

A. There was no complaint; the neighbors all around there complained about this one chimney.

C. G. A.

Q. (Repeated)

A. (Ans. as.)

Q. There are other chimneys in the neighborhood that smoke comes out of there?

(1. Small dwelling chimnies.
2. Is there no other manufactory there?
A I don't know that there is
Q You never saw another chimney there?
A I saw several small chimnies there
Q You never saw another chimney as high as this one there?
A no.
Q. No higher in that neighborhood?
A no, sir.
Q. And you watched this thing pretty close?
A. No - not pretty close.

Nicholas Kilroy called and sworn for Plff. testifies as follows;
By Mr. Bunker;
2. You are an Inspector of the Health Dep't.?
A Yes.
Q Do you know the defts.?
A no, sir
Q Do you know the premises No. 117 Bruce St.?
94 A I do.

95

2. And the chimney there?
A. I do.
Q. Do you know anything about the smoke there?
A. Yes, I have seen smoke when the furnace was lighted by timber and shavings.
Q. Did you see the shavings in that place?
A. Certainly I did; yesterday I went there.
Q. And at other times?
A. Yes; half a dozen times. I was ordered to keep our eye on there which I did.
Q. Do you know what the effect of this smoke is?
A. Yes; I went to the lofts of Lowenthal at No. 121 & 123 and the lofts are I believe five or six; I went to the third loft; the windows were closed, and there was a wind from the South West blowing this day, and as soon as the windows were down the smoke came in

on the floor; there is no division; I meant to the end & I could perceive the smoke, the dense volume of smoke.

Q. Did you ever go in any other building than 121 & 123?

A. I went on the ground floor of Napier & signis.

Q. How many times have you been in 121 & 123?

A. I dare say about 6 or 7 times.

Q. Yelled for what period of time?

A. From July 30 1884 I was there; I was ordered to go over there.

Cross Examined:

Q. Were you ordered to go into Lawenshon's place and look?

A. I went to see the effect.

Q. You went to Lawenshon's place?

A. Yes; I went to see the effect of the burning of this timber.

Q. You went to Lawenshon's place to see the effect?

A. Yes, sir.

97

2. And that was 5 or 6 times.
Yes.
? 2. His place is pretty close together?
A. I did not go altogether — I went to see how the furnace was fed.
2. You said you were in 121 & 123 5 or 6 times?
A. No; I went to Wilson 5 or 6 times.
2. How many times were you in Rawenoh's?
A 4 times I believe; 4 or 5 times into Rawenoh's.
2. What did you go there for?
A To see the effect.
2. Did you go about there in any one else's place to see the effect?
A. I went to Hureaux, on Worster Street to see the effect.
2. Who is he?
A. He made a complaint & I went over there and then he said that when he went in that direction he was absolutely

suffocated.
Q What is the name?
A Aureax-
Q Is he there now?
A I believe so.
Q When were you there?
A In 1884 on July 13.
Q And what was his business?
A I think it was on Wooster St.
Q How far from this building?
A It is an open space; there is nothing intervening.
Q (Repeated)?
A 300 ft. I suppose; I never measured it.
Q And it all an open space?
A Yes, sir.
Q Last year it was an open space between buildings and Wooster Street; nothing between?
A Yes.
Q Do you swear to that?
A To the best of my belief it was
Q And that is as correct as anything else you remember.
A I did not take any particular

99 notice of that but I was directed to go; what I was directed to go about was to see what was burning in the furnace,

2. Then you wan't to mean it was an open space?

A. I wan't.

Q. And that was a block & a half away; 300 ft. Wooster St. is more than that—two blocks?

A. I did not measure it.

Q. Now what did you say about the smoke coming into that place in Wooster St. when you were there?

A. I went in and I said to Mr. Abraux I would like to look across & see how far the chimney, or what is the effect, because it was blowing very hard; there was a stiff breeze that day, and he told me and he said we are very often troubled.

Obj. to.

Q. What did you ~~Said~~ see?

A I saw the smoke was not in that direction.

Q Didn't you tell the jury on your direct that the cloud of smoke came over there so you could not see?

Mr Counsel; The witness said "he told me"—

Defts. Counsel; Then I ask Your Honor to strike it out.

The Court; Strike it out.

Counsel objects to the matter being stricken out. as Counsel drew it out.

Stricken out.

Q Who ordered you to keep an eye on this place?

A I was ordered by Major Ballard the Inspector of the Third Division, in which I am.

Q He told you to keep an eye on it?

A Yes.

Q Did he tell you to keep an

eye on any other place in the neighborhood?

A. To look after and see what was burning in the furnace.

Q. And you did that?

A. Yes.

Q. Well, what took you into Lawrenshaw's to keep an eye on it?

A. I told you I went to see the effect of the smoke; I was told to go in there because Lawrenshaw made the Complaint.

Q. Did you see Lawrenshaw?

A. I saw him there.

Q. Talk with him?

A. Yes, I told him I would like to be shown to the Loft.

Thomas Black called and sworn for Deft. testifies as follows;

Q. You are a Retired officer of the Police Force?

A. Yes.

Q. And you were attached to the Sanitary Squad in this District?

A. I was formerly in that district but not in this one,
Q. Did you know this place of Wilson's?
A. I did.
Q. And the chimney?
A. Yes.
Q. Or make a complaint against it?

Objected to.

A. I made several complaints against it myself.
Q. State the condition and, the effect?
A. Well, for making smoke; smoky chimney.

Objection offered to any complaints made prior to the charge in the complaint.

Q. What did he burn there, when were these complaints, or when was your exam'n.?
A. In 1883, in June.
Q. And what was the fuel then burned?

Objected to as there is no charge in the complaint

upon which plaintiff can hold defdt for any thing done in 1883,

Allowed, exception.

P. They burned shavings; I did not see them at any time shavings, saw dust in, but my impression was that they threw saw dust in —

Impression objected to. Stricken out.

— I saw them burn the shavings & saw them throw them in myself, & I saw them throw saw dust in.

2. And you saw a very black smoke?

A. Yes,

2. And saw it coming down into the street?

A. Yes,

2. Was there any steam ~~had~~ with it?

A. No.

Q. The steam ~~was~~ went

Cross Examined.

2. The steam went up and the smoke came down?

A. No; there is some distance between the smoke stack & the steam pipe, and when they did complain the steam was swallowed up in the smoke, so it could not be noticed at all.

2. The volume of smoke was a great deal more than the steam?

1. More dense.

2. The smoke was more dense than the steam.

A. More in volume; a heavier volume?

2. And in your opinion the smoke would show more than the steam?

A. I should say so.

2. And they were mingled together?

A. Not often.

2. Was the place fixed after that; was the chimney fixed in any way?

A. I am under the impression it was but I am not positive.

2 Didn't you go there to look out it?

105 a. I did not.
2. Did you find that the condenser was put in?
A. No, I have not been there to examine it.
2. Is not the volume of steam five times as much as the smoke?
A. I am sure I could not answer that question, but I should think —

Plaintiff rests

Deft. Counsel, I move to dismiss the complaint, on the ground that there is no evidence of any nuisance committed by the deft. on October 3rd or at any other time.

The complaint is that they failed to discontinue the use of shavings there at, or to continue the chimnies of sufficient altitude, so as to prevent such smoke and gases entering the

adjoining buildings; and there is no allegation anywhere that Wilson the defendant was required to do any of these things.

The Court; I do not think that is necessary.

Defts. Counsel; Or that he failed to do any of these things.

The allegation must be that the defdt. has done something unlawful. I therefore move to dismiss on the ground that there has been no cause of action made out, as from the evidence there is no testimony & shew that Mr. Wilson has been guilty of committing a nuisance, or that he has permitted any act which caused a nuisance, or that he has omitted to do any act

1083

Which caused a nuisance,
Motion denied.
Exception.

Plffs. Counsel; I now move to amend the Complaint so as to make it conform to the proof, by adding that on October 3rd and divers other occasions prior thereto—

Defts. Counsel; And we object. This defft. is here to try the case as made on the 3rd of October.

The Court; I will deny the motion.

Plff. excepts.

James Moffat a witness for defft. called & sworn, testifies as follows,

By Mr. Warren;

Q- Where do you reside?
A- 161 44th St.
Q- Where is your place of business?

A. No. 119 Bruce St.
2 Does it adjoin Mrs Wilson's
place?
A. Yes.
Q. Do you own any other property
in that neighborhood?
A. No; 121 & 119 ~~West~~ and around
a few doors back of Bruce
Street & in Wooster St. I have
2 lots.
Q. What is that property occupied
for?
A. Mechanical purposes,
Q. And is all ~~all~~ your property
occupied for mechanical
purposes
A. Yes, sir.
Q. Manufacturing?
A. Yes, both & Wooster & Bruce.
Q. You have a Steam engine in
your place?
A. No, sir.
Q. How long have you been
there?
A. I went there in 1828.
Q. And have been there ever
since?
A. Yes.

109 2. How long has Mr. Wilson been there?
A. Likely 40 years I cannot say as likely he has been there 40 yrs.
2. And he has had that building and running it for steam power all that time?
A. Well he has had steam power for a great many years there.
2 Do you know how many?
A. no; it is likely 30.
2 You are close by him?
A Yes; my lot is ~~30 by 119~~ adjoins his, 119 with the lot 117.
2. Which chimney is the highest; the one in your building or Wilson's?
A. I do not know; a year or two ago he increased the height of his chimnies.
2. Will you tell the Jury about the smoke that comes from his chimney? I mean state if it is any more or less than comes from

manufacturing establishments ordinarily.

A No, I do not think it is, I do not think I have seen much comin from it the last year or 1½ years; I am pretty well satisfied, being a neighbor there daily, that he dyd a great deal to prevent the smoke from being an annoyance, but whether he succeeded or not I cannot say.

Q Would you see it if there was such an enormous amount of smoke as would block up the whole street

Form of question objected to.

Q Would you see it if there was a great deal of smoke, in the Summer

Objected to; allowed.

Q You have your windows open, in the Summer?

A Yes; my doors are open when the weather will permit it.

Q Does the smoke ever annoy

you in there?
A. Not a great deal.
Q. Was there more smoke than there has been there for years?
A. Of late there has not been any that I have seen.
Q. How high is your place?
A. The most of my buildings are two stories.
Q. How high is Mr. Wilson's; I forgot to ask that?
A. I think it is a three story & shops in the rear are four or six stories.
Q. That connect ~~th~~ with it?
A. Yes. the rear of lot ~~of~~ 117 & 115.
Q. On which side of Mr. Wilson's building is the chimney; on the side next to you?
A. I think it is; I am not positive.
Q. Have you ever been affected in any way from the smoke of Left's chimney?
A. no, sir.
Q. Have any of your tenants

ever complained of it?
A. I do not think I ever heard of it; they might have but I do not recollect.
2. Now there are other chimnies about there in the neighbourhood, are there not?
A. Yes, sir.
2. Are there other manufacturing establishments?
A. There are.
2. And as there are many there must be many furnaces there?
A. I should think it is very likely; there are shops facing on Wooster St. & there is more or less business done on there except on the corner of Bruce all the way up the street.
2. And have been for years?
A. Yes, sir.
2. They are all manufacturing places?
A. As I told you I meant there to manufacture in the year 1828.
2. Has any one tried to drive you out?

A Yes, Hey touched me with a stick pole, & I complied with the request. I was ordered by the Bureau to put 20 feet on. & I thought I would put 23 feet on and give them good measure.

Q. Who made the complaint against you?

O.C. & ; excl. except

Counsel offers to show by this witness that Rawenshan has been trying to drive Wilson out & get his place — excluded; exception.

Q How old are you?

A. I was born in 1801; I have been 84.

2. Do you recollect one of the witnesses on the stand here, this young man being sworn — (Reubens)?

A Yes,

2 Do you recollect what he swore to in regard to smoke

coming in your building?
Objected to as irrelevant & improper; excluded; exception.

Cross Examined:

2. The numbers in that neighborhood have been changed; have they not; there are double numbers there?
A. No, I think not.
2. The numbers of the buildings have been changed?
A. The street number is what it has always been.
2. It has not been changed?
A. No - my lots —
2. Have they not been renumbered?
A. No; one is 121 & the other is 119 & they have been that for 60 years & I don't know how long before.
2. My question related to that neighborhood; whether there had been any renumbering?
A. I think not.
2. Your office is immediately beside Mr Wilson's?
114 A. Yes, I own 119 Prince St.

2. Immediately by the side —
A. His office is next door, 117.
2. And you are on the same side?
A. Yes.
2. Well, as far as your building went, you endeavored in every way by raising the chimney to abate the complaints?
A. I have complied with the law.

Ben Krouse called and sworn for defense, testifies as follows;

2. Where do you do business?
A. At no. 138 Prince St.
2. And where is def't?
A. It is 3 or 4 doors off in Bruce St. closely.
2. How long have you been in business?
A. It is my father's business. I have been there off & on for the last 5 yrs
2. And you have had your

Q. doors & windows open in summer?
A. We have only one door on the street; we have three windows on each floor. On the 3rd & 4th floors, & from those windows I can see Mr. Wilson's, the back part of his house as well as the back part of this gentleman's place.
Q. Were you ever annoyed with smoke from the place, & if so how much?
A. I was never injured or annoyed by either.
Q. You have seen some smoke there?
A. I was never annoyed.
Q. Was there ever smoke enough there that you saw & annoy any one, that did not want to be annoyed?
A. No, as far as health, and our business & if I guess the most sensitive of any around there; we handle silks and satins & velvets; I have a sample here to show

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Ol. b.

2. Did you hear the Dample; did the Smoke ever affect Mann goods, or store or health or annoy you in any way
A. no.

2. Did any ashes or cinders or parts of burned shavings ever come in your store?

A. No, I never saw any shavings or burned cinders in our store.

2. Since you have been there?

A. no.

2. Did you ever see clouds of smoke come down to obscure the street?

A I saw clouds of smoke but did not see them obscure the street.

2. Steam mingled with it?

A. I never noticed much steam

2. Now, which chimney is the highest — Moffat's or Wilson's?

A Wilson's.

2. Smoke comes from others in the neighborhood?

A. Yes, it is a manufacturing place, & you can get smoke from any place around there,

2. And are there not times when the atmospheric condition is ripe for it, when it all settles down?

A. Yes,

2. Then it is pretty smoky?

A. Yes.

2. Did you ever have any goods injured by it in any way?

A. No,

2. Well, you have had your windows open in the summer?

A. We always have our windows open.

2. Have you got some goods that have been in your store exposed to the open windows during the summer?

A. Yes.

2. Have you got them here -

A. Yes.

2. Show them -

Objected to, excluded. Exception.

114 Cross Examined,

2. What direction are you from Wilson's place?
A. Around the corner from him.
2. You are West -
A. Yes.
2. And are you a 100 feet from his building?
A. If you should go to walk around the corner I am certain.
2. I mean in a direct line -
A. I am about 50 ft. from him,
2. So that a South East or a South wind or a North wind would not burn's the smoke from his chimney, would it?
A. If the wind blew so it would take the ~~smoke~~ ~~wood~~ up; if there was any it would not certainly, but with any other kind of wind it would burn it in either through the back windows or around our Woodlei St. — I would catch

it anyway.

2. Did you ever see it come around Wooster St?

A. Yes, a good while ago.

2. Have you observed it lately, whether it came around on Wooster St?

A. Yes, I have not observed it for a year quite.

2. You have prepared a great deal for this trial?

A. No I am an unconcerned party, I am only here to take my father's place; he is in Europe.

2. Well, you have brought some of your goods & have prepared yourself to be a witness, for some days in advance?

A. No; I simply got a note from Mr. Wilson this morning which simply said - "Be at Jefferson Market at ten o'clock & bring some of your goods as samples.

2. You had some talk with him before?

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A None at all.
Q You never spoke with him on the subject?
A Yes, when down at the other Court once before, & that was the very first time & that was 2 weeks ago; since then I have not seen him.
Q You are a friend of his?
A No, no friend at all.
Q Opposed to him?
A No, why should I be.

Alexander Brown, called and sworn for deft. testifies as follows;

Q What is your business?
A I am a mason & builder.
Q Did you have anything to do with fixing Wilson's chimney?
A Yes; I received an order from him.
Q When?
A I believe it was in May 1883,
Q What did you do & it?
A I built on it, raised it as

high as I could, that was his order. I saw it as high as I thought safe,

2. Was that in a manner of pride from the Board of Health?

A. I understood it was.

Q. How high was it as compared with the chimneys on other buildings around here?

A. It was the highest chimney of all added,

2. That there was around there?

A. Yes,

Cross Examined:

Q. What was the difficulty, the reason you raised it?

A. I understood it was partly to give the fireplaces and boilers a better draft.

Q. It smoked?

A. That I could not say; I did not see it at that time.

2. Do you know what fuel he used?

A. No; I don't know positively

Q. You never saw any fuel in there?

Q. I have been there & saw coal & wood there.

2 See any shavings there?

A Yes,

2 And saw dust?

A Yes; I was in the box factory, & saw both shavings & saw dust.

Q. Do you mean to say that the chimney on his house is as high as the chimneys on any other rooms or buildings about there?

A It is as high as any other that I saw there.

Q Is it as high as chimnies on buildings within a 100 feet of it?

A That I could not say for I am not on the roof of any adjoining building.

2 Is it possible to make it any higher, is it possible to raise the chimney and secure the draft?

A There is nothing I could advise him to put on it, to

make it any higher.

2. Do you mean to say it is impossible in any way to increase the draft & raise that chimney, as a builder, — in any way?

A. Yes, I consider it is.

By a Juror;

2. How high is that chimney from the sidewalk about?

A. Well I could not tell you the exact number of feet; the building is about five stories high & I think that this chimney is about 20 feet over the roof.

2. And the 5th story is about 60 ft. high, & that would make this chimney about 80 feet — how large is the flue inside?

A. I think the flue is about 20 inches square some little time ago; I did not pay much attention to it at the time more than to build it up, but I think it is about that.

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William Shemper, called & sworn for deft. testifies as follows;

Q. I am a manufacturer of brass goods at No. 98 Wooster Street,

Q. How near to Wilson's place?

A. About 30 to 40 feet, the rear of my place is.

Q. How long have you been in that neighborhood?

A. Since 1869.

Q. And defts's factory has been there all this time?

A. Yes, sir.

Q. Now, have you ever been annoyed by any smoke?

A. Yes,

Q. How much?

A. Well, quite a lot, previous, about a year or so ago.

Q. Annoyed any since then?

A. No.

Q. Or annoyed since the chimney was raised?

A. No.

Q. Has any smoke come into your place?

Q No sir.
2. Have you had your windows open in the summer?
A Always.
Q. Now, between you and the chimney is not the whole place open?
A Yes, & I have a frontage of at least 50ft, and any smoke, with the wind in that direction would come into my place.
Q. Now, for a year, have you seen any smoke from that chimney that indicated that it came down so as to annoy any one?
A Not that I can remember; I have been speaking since this matter came up with my men; I have about 140 people working for me & I have ~~had~~ made it a point to question them; of course I may ~~have~~ not, & I questioned them along on the different floors — Oh. to.

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2 You have not heard of any annoyance?
A No.
2 You had your windows open in the summer time?
A Always from 7 A. M. to 5:30 at night.
2. ~~At night~~ And if there was any great annoyance in the neighborhood you would have got it?
A Yes,
Cross Examined;
2. On what street are you?
A On Wooster St. and extend back 100ft; the rear of my building's is on a line with Wooster.
2. You were about 40 feet off?
A Yes; there are two lots in between; there is about 40 feet.
2 Then you are in the direction West from him?
A Yes.
No Direct;
2 An East wind would

have taken the mind of your place?
A. Yes.
Q. And there has been a great deal of East mind the past year?
A. I could not say as to that.

Henry R. Smith called and sworn as a witness for defft. testifies as follows;
Q. Where do you do business?
A. At 115 Bruce St.
Q. Employer from defft?
A. In the same building.
Q. How long have you been there?
A. 4 years.
Q. You hire power of him?
A. No; we have only a receiving office for our laundry work.
Q. You don't do any laundry work there?
A. No, sir.
Q. Do you have your windows open Summers?
A. Yes; if we need them.

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2. Q. For the past year have you seen any smoke coming in the street or about the building?
A. I never noticed any.
Q. If smoke came down into the street would you have noticed it?
A. I should think so.
Q. What kind of goods do you have?
A. Collars & cuffs
Q. Have ever any cinders or ashes or anything of the kind got on your goods not that I noticed.
Q. Have you ever seen any smoke come there & odors would annoy any reasonable person?
A. I never noticed any.
Q. Would you have noticed it if it had been there in the street or about the building?
A. Yes.

Edward K. Marr, called and sworn for defendants as follows:

Q. Where do you do business?
A. At 114 Bridge St.
Q. How long have you been there?
A. About 4 yrs.
Q. How long have you been in the neighborhood there, Tom Green St?
A. 25 yrs.
Q. Close by in that neighborhood?
A. I went there in 1861
Q. You know this chimney of Mr. Wilson's that establishment; you know Mr. ~~Wilson's~~ Smith's laundry?
A. Yes.
Q. During the past year have you seen any smoke in that immediate neighborhood, sufficient to annoy any one?
A. No; it did not trouble me any.
Q. How near are you to it?
A. Almost exactly opposite.
Q. If there had been any smoke about the streets there you would

#129

130 have known it?
A. Yes.
2. Q. You had your windows open in summer?
A. Yes.

Isaac N. Burdick, called and sworn for deft. testifies as follows:
2 Q. Who subpoened you to come here?
A. Had gent'leman there. (Of Board of Health)
2. Do you know of a smoke consumer having been put on Reft's chimney, & if so when?
A. About 1½ yrs. ago.
2. Has there been any smoke & amount to anything known since that time?
A. Not to amount to anything.

Cross-examined.
Q. You are a box manufacturer there in Wilson's building?
A. Yes
Q. And you use shavings for fuel?
A. I don't use them at all.

Q. You mean the power is furnished you?
A. Yes.
Q. You have nothing to do with the fire?
A. No, I sell my saw dust.
Q. And, of course, the changes that have been made there have been made at your expense?
A. A portion of them.
Q. And you told Mr. Goldsmith that if any changes had to be made now, Mr. Wilson would force you to make them; is words or substance?
A. Partially so.
Q. So that if there were any mountain to have this nuisance abated, you would have to do the work?
Objected to the witness answering the question.
Q. Well, to obviate the complaints from the neighborhood, you would have to do the work?
A. I would have to do a portion of it.

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Redirect

Dr. Goldsmith was the
inspector?

A. Yes.

Q. Did he show you a
statement of a person of the
decrease of the difficulty after
the fixing of the chimney &
putting on a smoke condenser?

Objected to as
improper, irrelevant,
collateral; exception.

Pltf's Counsel calls attention
of the Court to the fact
that the issue is not
what has been done,
but that the nuisance
now exists, & that it has
so existed for months.

The Court: The evidence is
not a nuisance has
existed for a long time
& now they have a right
to show the change.

Witness: Mr. Goldsmith took a letter

from his pocket from one of the parties that complained & he called to see Wilson, he was not in, & he came out, & I said; "What is up?" & he said: "It is not the box maker's chimnies this time" As he read the letter to me from his pocket — four third parties & some 90 percent's gone away with."

2. And that was all right?

A. Yes sir.

Re Cross:

2. Whose letter was this?

A. He did not tell me, but he said it was one of the parties who complained.

2. He did not say whether it referred to the smoke going into the windows and offices near by upon which complaint was made, did he?

A. He said it was one of the parties that had complained. But as to the general objection, or complaint of smoke

in the street. and people being compelled to shut down their windows he did not say whether the change obviated that or not?

A. I can only say as I said before, that as soon the remedy had been applied, & 90 per ct. of the difficulty had been done away.

Q. (The Court) Is that all he did say?

A. Yes. Did he

Q. ~~Did~~ you on any time in words or substance tell you that the complaints made & the objections found from that Chimney smoking in August, September, October & November of this year had been obviated or changed?

A. He did not mention any month at all.

Q. When was this interview?

A. In September.

Q. Has there been any change

whatever, made in the appraisal of that factory within the last 6 months?

A. I could not say.

Q. Or in the last ten months?

A. I could not say.

Q. Has there been within the last 15 months?

A. It is about a year I remember right that the appraisers was put in; since then I don't know; I only live down room.

Peter Wilson, deft. called and sworn on his own behalf testifies as follows:

Q. Where is your place of business?

A. 56 Bank St.

Q. Do you know a building that you run with power & if so where is it?

A. 117 Price St.

Q. You are sued here?

A. Yes.

Q. How long have you owned that building?

135 A. I owned it and leased it, I

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I formerly had a lease and subsequently bought it about 35 or 39 years ago – since 1847.

2. What business have you carried on there since 1847?

A (1) Carpenter work, door, sash & blinds.

2 The same business is being carried on now?

A Yes, as far as being a wood working business.

2. And have you iron boilers & furnace there all the time since then?

A No; only since about 1854.

2 For the past 21 years has a furnace been in there as it is now?

A Yes.

Q Now, when was any complaint made about smoke in that building first?

A. I cannot tell you just the length of time; well about 15 years ago; certainly ten or fifteen.

1114

2. There was some complaint then made?
A. Yes, well, understand me, I do not think there was any complaint made at that time but the Board of Health.
2. What did you do — did you call on the Board of Health?
A. I did & they told me I would put in an apparatus invented by a Mr. Pratt that would be entirely satisfactory to them, as it would abate the nuisance very much.
2. Did you do it—
A. Yes.
2. When the complaints ceased?
A. Yes for years.
2. Until when? Well I will ask you first, did you keep that apparatus in there?
A. Yes.
2. When were those complaints made here first by Lawrenceburn?
A. Those complaints cropped out along about 1887 or 1888 or 1889.
1272. Did you formerly furnish

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Q. Is connection with steam?
A. Yes.
Q. Was there any complaint made against your chimnies as long as you furnished connection with steam?
A. No —
Q. Is it not a nuisance to be driven out?
A. No; Smoke is not; excluded.
Q. When did you cease to furnish connection with steam?
A. I do not remember; exact; improper; excluded.
Q. Did the Board of Health make any complaints against you in any way while you furnished connection with steam?
A. No.
Q. But after you ceased it was commenced pretty quick?
A. Yes
Q. Now, when the complaint was made to the Board of

1116

Health; state what you did
D You chimney & what you
did ~~before~~ ~~that~~ D obviate
this difficulty.

C I learned that there was a
better apparatus than the last
apparatus invented by a Mr.
Angus, & I examined that
& put it in, & then I was
notified; D I went there & the
Board of Health and attended
a meeting of the Board &
they told me I must carry
my chimney up higher, & then
I employed a man and told
him D carry it as high as
it could be carried with
safety,

Q And he did?

A Yes,

Q When was that?

A That was about two years
ago I should think last May.

Q. Now did you put on another
smoke condenser, & if so when?

A. I subsequently learned ~~that~~ of
an automatic machine that
had been invented, & Mr.

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Dunbrick & myself went to the
expense of putting that on
& that is on now.
2. Now, is there any smoke
that would annoy any
reasonable person that comes
from that chimney about
the neighborhood?
C I will define it as the
Board of Health formerly
defined it & to me — They said
& must abate the black
smoke; & I say absolutely
there is no black smoke &
has not been since that
was put on.
Q. Perfectly clear every day?
C Yes.
Q And that was but an hour
before this suit was commenced.
C Yes.
Q. They have recently had you
indicted?
C Yes; I was served with three
suits & day.
Q This morning?
C Yes; two criminal & this one.

1118

2. And they came up for trial
to day?
A. Yes; I am so informed by my
bondsmen.
2. So that this thing has become
a kind of persecution?
A. Yes.

Cross Examined:

2. These indictments were found
some 2 years ago?
A. I never knew until this
morning that there had been
but one indictment.
2. Is it not a fact that you
have been called down,
have been down to the Funeral
Sessions on more than one
occasion 2 yrs. ago?
A. Yes; I think I have been
there 20 times.
2. And in regard to the same
misuse?
A. I was there a few weeks
ago prefered & all my witnesses
& you presented yourself
[Col. Prentice-Riffs, Counsel]
& would not try the case; I
was anxious to try it.

111 ~~106~~

1119

1423 You moved to adjourn the case on every occasion have you not?

A. No, I tried to have it tried.

2. When you speak of the Jewell Session, do you speak of the Court where the Dist. Attorney tries the cases?

A. Yes.

2. And when were you arrested on the charge now pending this misdemeanor; more than 2 years ago?

A. I was not arrested but there was a warrant out & I went & gave bail.

2. And you chose to go to the Jewell Sessions instead of the Special Sessions?

A. I chose to go to the Court House in Chamber St.

2. And if you knew at the time, if you had gone to Special Sessions, you could have had a speedy trial?

A. I think so.

2. And you knew at that time that if you went to the.

1120

General Sessions bail cases were called up very late & have been long delayed?

No.

2. You have been down to the Board of Health repeatedly & have repeatedly promised to abate this nuisance, have you not?

A I can only say in answer to that that I have done more than I ever promised or was required to do by the Board of Health.

Q You are aware that complaints have been made by 35 different firms and persons doing business in the neighborhood, besides Lowenbein?

A I can merely say in regard to my knowledge of that, that an assertion was made at your office - that a large number of parties had made complaints; I asked to see the list or to know their names so I could furnish them to my counsel & ~~the~~ I was even refused access to it,

1431

144

A I never saw it so I do not know whether there was one or 35.

Q Well do you know that there was a number of complaints in that neighbourhood of your premises?

A About 3 years ago — yes.

Q Do you know that they are so now?

A no; I don't believe it.

Q Is it a fact that there were orders from the Board of Health upon your premises before Mr. Lemisthem ever came in that neighborhood?

A I don't recollect of any.

Q Do you know how long Mr. Lemesthem has been there?

A About since 1880 — he bought the property in 1880.

Q Now you have so framed your answers as to infer a connection between this prosecution & Mr. Lemesham; do you mean to be understood that this prosecution in any way directly or indirectly

depends on Lawrenchon ?
A. I have not framed any such answer.
2 Do you intend to be understood as believing that the proceedings against the nuisances on your premises has been directly or indirectly depending on Lawrenchon?
A. I say I made no such statement.
2. And that is the best answer you can give?
A. That is the correct answer.
2. Where is your office?
A. SB Bank Ld.
2. Some distance from this place?
A. Yes
2 Are shavings fed to the furnace in that ~~place~~ building?
A. ~~Yes~~, Automatically,
2 Saw dust?
A. I think not
2 Well you don't know?
A. Well I know Budrick sells his saw dust; that is all I know.
2. You are in there every day?

146 A. No, sir.

Q. And you cannot say for certain whether Saw dust is burned or not at any time?

A. No; I cannot.

Q. But you are sure that the shavings are burned.?

A. They are certainly burned with this automatic apparatus.

Re Direct;

Q. What else could be done with the shavings?

A. I applied to the Board of Health to give me permission to burn them on a vacant lot.

Obj. to —

— and they refused to give me a permit.

Question objected to & answer moved to be stricken out.

The Court: "I will exclude it as immaterial."

Defts. Counsel: We offer to show by the action of the Board of Health as

1124

relates to this deft, that they won't permit him to dump or burn the drawings anywhere, or do anything with them, & that deft. cannot do anything with them unless permitted, other than burn them — we offer to show this & prove the contrary.

Excluded.

2. Have you applied to the Board of Health for the privilege of disposing of your drawings in other ways than by burning them in the furnace —

Obj. to; exclu. except

3. What permission or direction did they give you in reference to that?

Obj; to; same ruling; exception.

9 Did they direct you what to do with the drawings when you applied to them for that purpose?

Obj. to; exclu. except

147

148

Left v. rests.

Dr. Goldsmith, recalled for pltff. testifies as follows;

2. Did you in words or substance in the month of September till Budrick that 90 per ct. of the nuisance on the premises 117 Bruce St. had been abated?

The Court; Budrick testified that the doctor showed him a letter to that effect, but he did not say the doctor so stated.

2. Did you in any way state to Budrick that 90 per cent of the nuisance had been abated?

A. I have no recollection of any such statement, but I would not say positively whether such a statement as that had been made in the letter I read to him, but I said undoubtedly that there was

a great improvement in the
amount of smoke produced
at Wilson's Place from what
it used to be, & I think I
said the same thing on my
previous examination; that
the matter since last year
had been better than for 5 or
6 years ago, or even 3 years
ago.

2. The question was about the
70 per ct. — which Chimney
is now in fault, you state
there is more than one?
A. Unit they are both equally
still in fault — both rear &
front. The rear Chimney
which is close to the buildings
& in which the stove was
attached, caused a great deal
of nuisance in one or two
special buildings; it is
about 45 feet away; but
that the main Chimney
connected with the furnace
& in which most of the
flowings were burned, (a portion
of course being burned in

the small stove) created the nuisance in the general locality. The special nuisance in the special building was created by the chimney + in my complaint I recommended that the rear chimney, which was fed by the stove, should be raised "certain distance to abate the nuisance, in one particulars building -

Ans, D, as not rebuttal; sustained

2 Did this communication or letter that you discussed, relate to one or both chimneys?

Ans, D, unless the letter is produced,

The nuisance you testify to has existed within the last 4 months; has there been any abatement of that?

A I think not.

Cross Examined:

Q What nuisance do you testify to for the last four

months?

A. The rear & the front chimney.

Q. The stove?

A. Yes,

Q. Do you run around ~~the~~ buildings, or peoples homes?

A. I have never had complaints made. This morning I have one in my pocket about a man burning leather in a stove, & that the smell goes into the adjoining tenement homes,

Q. Did you ever make a complaint against anyone that burned wood in a stove, before?

A. Yes; if they burn shavings in the stove for heating glue pots & such things.

Q. Was this for heating glue pots?

A. I understand so,

Q. Did you ever see any on it?

A. No, but I was so informed.

Q. Do you know?

A. I don't know that as a positive fact, except from information.

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2. Q. Deft. had a charcoal stove, would at your house complained about this? Certainly, if the chimney was arranged in such a manner, or any one else who had a chimney arranged in that position.

William Themper recalled for deft: testifies:

2. Q. How many openings in the back of your building?
A. About 20 windows and two large skylights —
Obj. to.

Testimony Closed,

Deft: moved to dismiss the complaint on the grounds;
First: That deft. having used the place for more than 20 years for the same purpose no one

1130

can disturb him in the use of it.

Second; On the ground that ~~if~~ there has not been any cause of action made out here, and that there is really no evidence here for the Jury to pass upon in reference to the question whether deft. has been guilty of a nuisance; that there is no proof of a nuisance and no proof of any smoke or annoyance, or Oct. 3rd - such as would raise a question of fact.

Motion denied,

Exception.

1131

Charge

Gentlemen of the Jury: I do not propose to say anything to you about the evidence. You have heard it all.

The only proposition for your consideration is whether this defd. violated the ordinance that nothing in any room, premises or place shall be allowed to become a nuisance or offensive, so as to be dangerous or prejudicial to life or health.

Plaintiff has presented you with certain facts or evidence, & the effect that the smoke comes from these chimnies is a nuisance, & hence prejudicial to life & health.

You have heard the evidence on both sides, & if in your judgment there is not a nuisance, that is if the smoke is not of such an extent as

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would be detrimental to life and health you will find for the defd.

Defd's Counsel; I ask the Court to instruct the Jury that although the defd's chimney smokes, if the Jury find that the smoke comes from the chimney is not prejudicial to life, that then defd. is entitled to a verdict.

The Court; That is the language of the section, that it shall be a nuisance, or offensive to and dangerous or prejudicial.

Verdict for defd.

Third Circuit District
Court.
Before Hon. Geo. W. Parker
& a Jury

N.C. Dec. 23rd 1880

Board of Health
vs
Peter Wilson

Stenographic
Transcript

To W. Warren
Counsel for Defts.

M.A. Keller
Stenographer.

POOR QUALITY
ORIGINAL

Third Civil District
Court,

N.Y. Dec. 23/85

Board of Health
vs
Peter Wilson

Before
Hon Geo. W. Parker,
Justice,
& a Jury

To Isa H. Warren Esq.
Counsel for Defts.
application to dismiss

M. J. Kelly
Stenographer

W. Reid Gould, Law Blank Publisher, 168 Nassau St., N. Y.

1135

People etc
vs.
Peter M. Wilson } Report.

The defendant is indicted (16 Sept. 1884) for maintaining a nuisance at No. 117 Prince St.

Subsequent to the indictment, The Board of Health brought an action against the defendant in the Third District Civil Court. This action was based on the same state of facts as that on which the indictment was found. It was tried Dec. 23rd 1885 before Justice Parker and a jury, and resulted in a verdict for defendant — Wilson.

This being the fact, it would seem inadvisable to try the indictment.

Mr. Prentice, Counsel to the Board of Health, agrees with this conclusion.

March 19th. 1886.

Respectfully.
Vernon M. Davis.

People etc
vs.
Peter M. Wilson.

Report.

March 19/86

961

1137

THIRD
DISTRICT COURT
6TH AVE. & 10TH ST.
NEW YORK

GEORGE W. PARKER, *JUSTICE.*
GEORGE B. DEANE, JR., *CLERK.*

Clerk's Office
Dec 23 1885

Dear Sir

The Case of
P. M. Wilson & Ux
Certified to the Court
here today & the
Defendant Called &
Four Days & Time of
Trial Will be
Fixed by
Yours &c

1138

THIRD
DISTRICT COURT
6TH AVE. & 10TH ST.
NEW YORK

GEORGE W. PARKER, *JUSTICE.*
GEORGE B. DEANE, JR., *CLERK.*

2

Clerk's Office

_____ 188_

Counsel able with Mtnce
that he desires
to proceed in
putting off Evidence
until he may
subpoena. I will
send the witness
down to Genesee. If
Case does not go on
to

1139

THIRD DISTRICT COURT
6TH AVE. & 10TH ST.
NEW YORK

GEORGE W. PARKER, *JUSTICE.*
GEORGE B. DEANE, JR., *CLERK.*

Clerk's Office

_____ 188_

The Deputy
Will Brewster

Thos Parsons

Dept Clerk

1140

1

Health Department

№301 MOTT ST.

Office of
Attorney & Counsel.
ROOMS 46 & 47.

New York December 23rd 188 1

Honorable Randolph B. Martine

District Attorney

Dear Sir

I think it proper to inform you that the case against Peter W. Wilson, for nuisance at 117 Prince Street, on a more recent complaint than those on which Indictments were found two years ago, was today tried in the Third District Court, before Judge Parker and a Jury and a verdict rendered for the Defendant. I observe that his Case was No. 9, Part 1. General Sessions, today, but I have not learned from your Office whether it was proposed to try it at this time. He did some, but insufficient work, and diminished, but did not entirely abate the nuisance, about a year ago, according to the testimony given in Court today; but as it is a smoke nuisance, I presume these facts will render his trial more difficult.

I remain &c.,

Very respectfully

T. W. Parker

HEALTH DEPARTMENT.

OFFICE OF COUNSEL.

New York, ... *188*

The People
vs
Peter M. Wilson

1142

Health Department

No. 301 MOTT ST.

New York Sept 12th 1884

Hon Peter B. Olney
District Attorney &c

Dear Sir,

The smoke nuisance of Peter M. Wilson
119 Prince St. has been complained of many times
by citizens of the vicinity and the offensive
smoke, as well as a nuisance somewhat
similar at 119 Prince St. Mr. Wilson
has twice been arrested and chooses
to go to Grand Sessions in both
cases. Will it be convenient to
have his case sent to the Grand Jury
by indictment without delay? And oblige
The Board of Health.

Yours Truly
Simmons Clerk & Sec'y

1143

City and County of New York S.S.

Nicholas Kilroy being duly sworn de-
poses and says, that he is an Inspector
of the 3d Division of the Sanitary Bureau
of the Health Department of the City
of New York, that as such officer on the
2d. 4 2d days of August 1896 he in-
spected the premises No 117 Prince St,
in the City of New York occupied by
Peter McKeon as a packing box
factory and found that the same
was a serious nuisance, that a
dense smoke nauseous odor, and
offensive gases were proceeding there-
from and entering into the neigh-bor-
ing premises and causing annoyance
and disturbance among the persons
who were engaged therein, and especi-
ally in the premises Nos 121. 4 123 Greene
St, and were offensive to this depo-
nent and others in the neighborhood
at the same times, that the business
and the work conducted at the said
premises by the said Wilson was and
the same is now a public nuisance
and as this deponent is informed a verily
believes is dangerous to life and detri-
mental to health and further that

1144

117 Bruce St

Sec. 151. 1 District Police Court.

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 any Marshal or Policeman of the City of New York:*

Whereas, Complaint on oath has been made before the undersigned, one of the *Police Justices* in and for the said City, by Nicholas Kilroy

of No. 30 Mott Street, that on the 24 day of August 188 4 at the City of New York, in the County of New York, ~~the following article~~ to wit:

One Peter McWilson did violate Section No 114 of the Sanitary Code

~~of the value of~~ ~~Dollars,~~

~~the property of~~

~~was taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and~~ believe, ~~by~~

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 every of you, to apprehend the body of the said Defendant and forthwith bring ~~him~~ before me, at the 1 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 24 *day of* August 188

Police Justice.

1145

POLICE COURT..... DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Riley

vs.

Peter H. Wilson

Warrant—Larceny.

Dated August 5 188

Magistrate

Officer

Officer

The Defendant

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, Sept. 4 7½ P.M.

Native of N. Y.

Age, 21

Sex

Complexion,

Color W

Profession, Plain Cook

Married

Single, Yes

Read, Yes

Write, Yes

444 11 22 101

1146

Sec. 198—200

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Peter M. Wilson 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 h. 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. Peter M. Wilson.

Question. How old are you?

Answer. 53 years

Question. Where were you born?

Answer. New York

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

Answer. 144 West 22d St— two years

Question. What is your business or profession?

Answer. Steam Power

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

P. M. Wilson

Taken before me this 1st day of October 1880

Police Justice.

1147

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 Peter W. Wilson

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 September 4th 188 4 Solon B. Smith *Police Justice.*

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

Dated September 4th 188 4 Solon B. Smith *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.*

1148

BAILED,

No, 1, *by* James G. Moffet

Residence 161 West 44th *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street,*

90. 1589

Police Court—1 ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Nicholas Libray

Sanitary vs. Squad

1 Peter M. Wilson

2 .....

3 .....

4 .....

Offence Violation Dam. Cert.

SEP 6 1884

Dated August 29 1884

Mott Magistrate.

..... Officer.

..... Precinct.

Witnesses .....

No. ..... Street.

.....

No. ..... Street,

.....

No. ..... Street,

$ 300 to answer GS.

Bailed

1149

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

Thomas Black being duly sworn says that he is an Officer of the Police Force and a member of the Sanitary Squad; that on the 21st day of June 1883, one Peter M. Wilson did wilfully violate the Sanitary Code then and at all the times hereinafter mentioned in full force and operative in said City of New York, in this , that he being the owner and having the management and control of the premises known as Nos. ~~113, 115, and~~ 117 Prince Street in the said City of New York and of the Engines, machinery and Steam Power thereat, said Buildings or part thereof being arranged with machinery for the generation of Steam Power, and in and upon which an Engine and boilers are used did cause or allow to escape from said premises or part thereof, smoke, Cinders, dust and offensive matterand has for some time prior thereto allowed to escape therefrom smoke, cinders and dust in large quantities and of dense blackness to the detriment and annoyance of persons not being therein or thereupon engaged, but who resided or were engaged in business in the Buildings adjacent to and in the vicinity of said premises, into whose windows the said P. M. Wilson allowed the smoke, cinders and dust to enter and also to go down into the Streets adjacent to said premises , and to fill the air, to the great prejudice and danger to the life and health of persons passing thereat or being in said adjacent Buildings, all of which is in violation of the provisions of the Sanitary Code, especially of Ordinance No. 117, which is as follows to wit :

SEC. 117.* That the owners, lessees, tenants, and managers of every blacksmith or other shop, forge, coal-yard, foundry, manufactory, and premises where any business is done, or in or upon which an engine or boilers are used, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas, steam, or offensive odor be allowed to escape from any such building, place, or premises to the detriment or annoyance of any person not being therein or thereupon engaged.

1150

Thomas Black

Sworn to before me this 5th day of

July 1883.

Police Justice

Police 2d Court

The People on
Complaint of
Thomas Black
against
Peter M. Wilson

Affidavit Violation of Sanitary Code § 117.

Black, Officer,
Sanitary Bureau

4 adj to July 7
at 9:30.

1152

Police Court 7 District.

City and County of New York, ss.:

THE PEOPLE,

vs.

Peter M. Wilson

On Complaint of Thomas Black.

For Violation Sanitary Code

After being informed of my rights under the law, I hereby demand a trial, by Jury, on this complaint, and my right to make a statement in relation thereto, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated July 6 1883

S. Wilson

S. Kilbreth Police Justice.

1153

Sec. 198—200

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Peter M. Wilson 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. Peter M. Wilson

Question. How old are you?

Answer. 53 Years.

Question. Where were you born?

Answer. New York.

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

Answer. 144 West 32 Street 6 months

Question. What is your business or profession?

Answer. Steamfitter.

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 of the charge.

Peter M. Wilson

left through counsel
waive Examination & Property
held to answer

JK

Taken before me this 2 *day of* July 1883

Police Justice.

1154

Sec. 151.

Police Court N **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 Thomas Black of No. 150 Centre Street, that on the 21 day of June, 1883 at the City of New York, in the County of New York,

Julia M. Wilson did unlawfully refuse admittance to Dr. Sanitary Inspector of the Board of Health 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 her forthwith before me, at the N 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 5 *day of* June 1883

J. Duffy

POLICE JUSTICE.

1155

POLICE COURT. ..... **DISTRICT.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Black

vs.

Peter M. Belson

Warrant—General.

Dated July 5 188 3

Kilbreth *Magistrate*

Black *Officer.*

The Defendant .....

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

..... *Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

REMARKS.

Time of Arrest, ...

Native of .....

Age, ...

Sex .....

Complexion, ...

Color .....

Profession, ...

Married .....

Single, ...

Read, ...

Write, ...

1156

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 Peter M. Wilson of

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 6th, 1885 J. Kilbreth *Police Justice.*

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

Dated July 6th, 1885 J. Kilbreth *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.*

1157

Police Court—2—District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Black

vs.

1 Julia M Wilson
2
3
4

Offence Disturbance

Dated July 6 1883

Kilbreth Magistrate.

Black. Officer,

Sanitary Squad Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 300 to answer G.J.

Bailed

BAILED

No 1, by George B Keane

Residence 277 W. 11th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

1158

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter M. Wilson

The Grand Jury of the City and County of New York, by this indictment, accuse Peter M. Wilson — of the CRIME OF maintaining a public nuisance, — committed as follows:

The said Peter M. Wilson, 7

late of the Eighth — Ward of the City of New York, in the County of New York aforesaid, on the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and eighty-four, and on divers other days and times as well before as after, to the day of taking this inquisition, at the Ward, City and County aforesaid, near to a certain street and public highway there commonly called Cross Street, and near to the dwelling houses of a considerable number of persons, citizens of the said State, there situate and being, unlawfully and injuriously did keep and maintain, and the cause and cause to be kept and maintained, a certain building for the purpose of boiling, melting, rendering tallow —, and

the said Peter well known, on the day and in the year aforesaid, and on the said other days and times, at the said City and County aforesaid, in the said building, did unlawfully and injuriously cause and procure such fumes to be carried on therein; by reason of which said premises, divers noxious, offensive and unwholesome smells, smokes, steams, vapours, smells and stenches, on the day and time aforesaid, were and are emitted and made from the said building, so that the air, in the neighbourhood of the said building, on the said day and times, was and is rendered offensive and there is thereby exposed divers citizens and inhabitants with the said smokes, steams, vapours, smells, and stenches, and was thereby rendered and became and was and is thereby corrupted, offensive, and unwholesome, to the great annoyance, injury and damage of the complt. health and

safety of the said considerable number of persons, then and there dwelling and residing, to the great damage and common nuisance of all the good citizens of our said state then residing, repairing, passing and returning, and 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 A. Olney

District Attorney.

1161

BOX:
151
FOLDER:
1555
DESCRIPTION:
Wolcott, Mary

DATE:
09/22/84

vs. Same.

274

(II)

Day of Trial,

Counsel, [illegible]

Filed 22 day of Sept 1884

Pleads [illegible]

THE PEOPLE

vs.

B

Mary A. Wolcott

Keeping a Bawdy House

PETER B. OLNEY

JOHN McKEON

District Attorneys.

"Nuisance" to abate

Part II June 5/85

A True Bill.

Pleads Guilty.

[illegible]

Foreman.

Sentence.

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Sec. 322, Penal Code.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Edward Sievers, Longshoreman,

of No. 126 Hester Street, in said City, being duly sworn says,

that at the premises known as Number 69 Chrystie Street,

in the City and County of New York, on the 1st day of August 188 4 and on divers

other days and times, between that day and the day of making this complaint

Mrs Mary A. Walcott

did unlawfully keep and maintain and yet continue to keep and maintain a a house of

Assignation and did then, and on the said other days and times, there unlawfully procure and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said Mrs Mary A. Walcott

and all vile, disorderly and improper persons found upon the premises, occupied by said

Mrs Mary A. Walcott

may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 16 *day of* August 188 4

Edward Sievers

J. M. Patterson *Police Justice.*

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N X 5 Police Court—.....District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edward Sievers

vs.

Mrs Wolcott

AFFIDAVIT—Keeping Disorderly House, &c.

Dated August 16 188 4

Patterson *Justice.*

Koch *Officer.*

10 *Precinct.*

WITNESSES :

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Sec. 151. A. 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 Edward Reeves of No. 126 Hester Street, that on the 1st day of August 1884, at the City of New York, in the County of New York, Mrs Mary A. Walcott did keep and maintain at the premises known as Number 65 Christie Street, in said City, a House of Assignation and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

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 body of the said Mrs Walcott and all vile, disorderly and improper persons found upon the premises occupied by said Mrs Walcott and forthwith bring them before me, at the Third 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 16 *day of* August 1884.

A. D. Patterson POLICE JUSTICE.

1166

Police Court—..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edward Stevens

vs.

Mary Ann Walcott

WARRANT—Keeping Disorderly House, &c.

Dated May 16th 188 6

Patterson *Magistrate*

Docket 10th Pct *Officer*

10th *Precinct.*

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

Fritsch Docket *Officer.*

Dated May 16th 1886

This Warrant may be executed on Sunday or at night.

J. M. Patterson *Police Justice.*

Gomez
39
6 E. 6th St

The Within named

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 .....

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Police Justice.

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

POLICE COURT, 3 DISTRICT.

Subscribed to before me this ... day of ... 188-

Police Justice.

Onderdonk W. Dorlee

of No. 10th Precinct Police ... Street, being duly sworn, deposes and

says that on the 16" day of August 188 4

at the City of New York, in the County of New York, dependent, by virtue

of a warrant, entered the premises

165 Christie Street and there

and there found the proprietor of

said premises, Mary A. Wilcox,

there present. That dependent also

found three girls, two of whom

are known to dependent as prostitutes,

and four men within said premises

at said time. That said premises

is a house of assignation and prostitution

and dependent has frequently been

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lewd and indecent Conduct Carried on by persons therein, and Lewd Music and Singing and dancing at all hours of the day and night since the 17th day of August 1864

J. M. Patterson

Victor W. Locke
Police Justice

Police Court _____ District.

AFFIDAVIT.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated _____ 188

_____ Magistrate.

_____ Officer.

Witness, _____

Disposition, _____

TORN PAGE

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Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer May A. Wolcott

Question. How old are you?

Answer 55 years of age

Question. Where were you born?

Answer. England

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

Answer. 69 Chrystie St. one year

Question What is your business or profession?

Answer I Keep a Furnished room House

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 demand a trial by Jury at the Court of General Sessions, for the United City Courts

May A. Wolcott
her
X
mark

Taken before me this 14

day of May 188 4

Police Justice.

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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

Mary A. Walcott (Two)

guilty thereof, I order that she be held to answer the same and she be admitted to bail in the sum of $500 Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until she give such bail.

Dated August 6 188 H. D. Paulsen *Police Justice.*

I have admitted the above-named defendant

to bail to answer by the undertaking hereto annexed

Dated August 18 188 4 my com *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.*

POOR QUALITY
ORIGINALS

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Police Court— 5 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edward Sievers
126 Madison St.

Mary A. Walsh

2 [illegible]

3 [illegible]

4 [illegible]

Dated August 17th 1886

Patterson Magistrate.

Cortee Officer.

11 ~~Ward~~ Precinct.

Witnesses O. M. Cortee

No. 60 West Main Street.

Officer Stebbins

and Officer Cortee 60 Street,

Nicholas Place

No. [illegible]

Commit Sue to answer Assault

and Battery

BAILED.

No. 1, by William Ward

Residence 192 East Broadway Street.

No. 2, by [illegible]

Residence [illegible] Street.

No. 3, by [illegible]

Residence [illegible] Street.

No. 4, by [illegible]

Residence [illegible] Street.

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Mary A. Wilson

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

Mary A. Wilson

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said Mary A. Wilson

late of the 10th Ward of the City of New York, in the County of New York aforesaid, on the 9th day of August in the year of our Lord one thousand eight hundred and eighty-four and on divers other days and times as well before as afterwards, to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said Mary A. Wilson on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, 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 Mary A. Wilson

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Mary A. Wilson

late of the 10th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the 9th day of August in the year of our Lord one thousand eight hundred and eighty-four, and on divers other days and times between the said

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day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in her said house, for her own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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 Mary A. Brown

of the Crime of Keeping a Disorderly House, committed as follows:

The said Mary A. Brown

late of the 10th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the first day of August in the year of our Lord one thousand eight hundred and eighty-one and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in her said house and place of public resort, for her own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in her said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

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Police Department of the City of New York.

Precinct No. 11

New York, June 11th 1887

Hon. R. O. Martine
Dear Sir

At your request Mr. Ward called on me in reference to Mr. Halcott who formerly kept a Disorderly house at at 69 Chrystie St. I would state that the place is now closed and has been for some time, Mr. Halcott having vacated the premises.

Respectfully
Anthony J. Allaire
Captain