

1134

BOX:

156

FOLDER:

1604

DESCRIPTION:

Kane, Michael

DATE:

11/28/84



1604

Witnesses:

Matilda F. Wundt  
Irene E. Harland  
Alice M. Harland  
Matthew Neopt Rev.  
Dyson S. Stephenson  
Henry Mc Dona  
Alex. Schaler  
Mich'l A. Farnell  
Emmons Clark

Paul Hood.

Bailed by  
Joseph Garry  
214 East 39th St.

Counsel, *A. J. Duff*  
Filed 28 day of Nov 1884  
Pleads Not Guilty Dec 8 1884

THE PEOPLE

*Michael Kane*

PETER B. OLNEY,  
District Attorney.

A True Bill.

*Wm. McCleary*  
On the o of Samy Foreman  
Doyce & Gannin  
Dec. 5/84 D.

Dec. 23. 1884.  
Tried and convicted  
Deft paid \$250  
4 Cts

1135



1136

The American Standard is made entirely of  
 65% cotton and 35% wool. It is made in  
 and is a very good quality of goods. It is a  
 very good quality of goods. It is a very good  
 quality of goods. It is a very good quality of  
 goods. It is a very good quality of goods.

1137

is not doing any harm to  
any one, although affiant  
intended and does intend to  
take that away immediately

Michael Hane

Subscribed & sworn

to before me this Edwin W. Berne

2<sup>d</sup> day of Febru-

-ary, 1885.

Edwin W. Berne

1138

Court of Oyer & Terminer.

County of New York.

The People &c.

v.

Michael Kane.

City and County of New York. ss.

Before me personally appeared said Michael Kane, and also Edwin N. Binney - both of said City, who having been duly sworn make oath and say:

That since the last adjournment of this Court, said Michael Kane has not accumulated any manure at his yard & dock, 46<sup>th</sup> St & 47<sup>th</sup> Sts and East River, but he has diligently & faithfully complied with his promise to the Court to take away the manure formerly accumulated there.

In all, he has shipped and removed fully 17000. loads of said manure and under great difficulty and expense because of winter weather.

Affiants have read in court an affidavit an affidavit made by Mrs Norris, Mrs Sparks and Mrs



1134

BOX:

156

FOLDER:

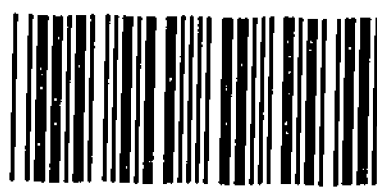
1604

DESCRIPTION:

Kane, Michael

DATE:

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1604

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Irene E. Harland  
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Bailed by  
Joseph Garry  
214 East 39th St.

Counsel,

Filed

Pleads

28 day of Nov 1884

Not Guilty Dec 8 1884

THE PEOPLE

Michael Kane

PETER B. OLNEY,

District Attorney.

A True Bill.

Wm. M. Macclay

On the 10 of Jan'y 1884  
Doyen & Gannin

Dec. 5/84

Dec. 23 1884.

Tried and convicted

Deft paid \$250

4 Cts

1135

1136

The General Store & Co. was sold to 492  
in lot 10. The General Store & Co. was sold to 492  
and is now being sold on an auction at 1000  
which is the same as the lot 10.  
The General Store & Co. was sold to 492



1137

is not doing any harm to  
any one, although affiant  
intended and does intend to  
take that away, immediately  
Michael Hane

Subscribed & sworn  
to before me this Edwin W. Berney  
2<sup>d</sup> day of Febru-  
-ary, 1885.

Edwin W. Berney

1138

Filed Feb. 2. 1885

Court of Oyer & Terminer.

County of New York.

The People &c.

v.

Michael Kane.

City and County of New York. ss.

Before me personally appeared said Michael Kane, and also Edwin N. Binney - both of said city, who having been duly sworn make oath and say:

That since the last adjournment of this Court, said Michael Kane has not accumulated any manure at his yard & dock, 46<sup>th</sup> St & 47<sup>th</sup> Sts and East River, but he has diligently & faithfully complied with his promise to the Court to take away the manure formerly accumulated there.

In all, he has shipped and removed fully 17000. loads of said manure and under great difficulty and expense because of winter weather.

Affiants have read in court an affidavit an affidavit made by Mr Norris, Mr Sparks and Mrs



Fendler, and Affiants now say that from personal inspection and knowledge of said premises, on Saturday evening last when the employees stopped work, that said ladies have made a mistake as to the facts.

There is not any manure on the ground, except about 175 cart loads including old straw and ~~that~~ which has been thrown out during the last few days from said Kane's stable, where he has about 80 horses.

That except for the floating ice in the river which stopped said Kane from shipping in his scows and floats on Friday & Saturday, none would be left, and with one day of good weather all would be removed.

Affiant Kane says that substantially the yard is cleaned out, as in good faith he told his counsel and he also says that the trifling remainder

Count of Dyer & Formica }  
 County of New York }

The People  
 vs  
 Michael Kane.

City & County of New York, So.

Personally ap-  
 peared ~~Mary E. Fendler~~, Ma-  
 ry R. Morris, Eliza J. Spikes and  
 Cecilia Fendler, who being severally  
 sworn depose and say, and each  
 for herself does depose and say  
 that on the 31<sup>st</sup> day of January,  
 1885, she, as one of a committee  
 appointed for that purpose by the  
 Ladies Health Protective Association  
 of the City of New York, did visit  
 the foot of 46<sup>th</sup> Street near the  
 East River in said City for the  
 purpose of examining the condition  
 of the manure heap recently  
 maintained near the foot of  
 said street by the above-named  
 Michael Kane; that as far as de-  
 ponents could judge from such

examination as they were able to make from the street running along the side of said heap, the surface of the ground formerly occupied by said heap was still covered with manure.

And deponents further say that they have been informed and that they severally believe that the true surface of the ground on which said manure heap has formerly been maintained is from five to six feet below the level of the side walk adjoining said ground, and that there is now remaining on said ground a quantity of said heap varying in depth from one to three feet in depth, the surface of said lot now appearing to be from one to two feet below the sidewalk, and the surface being apparently composed of manure.

And deponents further say that while they were not able to ascertain for themselves the depth of the manure now covering the ground formerly occu-



1143

joined by sand heap, they very believe  
that there still remains a portion  
of sand heap from one to four feet  
in depth and covering nearly  
the same surface as that cov-  
ered at the time the indistinct  
herein was found.

Subscribed and sworn  
this 31<sup>st</sup> day of January  
1885, before me

*[Signature]*

Notary Public

104

*[Signature]*

Mary Roberts  
Elizabeth Sparks  
Cecilia Tremblay

1144

Court of Sup<sup>re</sup> & Common  
Westchester County

People

vs  
Michael Kane,

Defendant.

filed Feb. 2 1885

State of New York

City and County of New York ss:

Morris Dietrich, being duly sworn says, that he is forty one years of age and upwards, is married, and is a householder in said City, and resides with his family at the corner of 145<sup>th</sup> St. and the Southern Boulevard in said City.

And deponent further says that at Rikers Island in said City there is what is known and designated as Hane's Manure Works, and Knowles Manufactory of Super-Phosphate of Lime. That the method of conducting the said Hane's Manufactory is viz: that the manure of animals, brewer's grain &c. is brought to said Island by boat; is then carried on the Island and deposited in a pile and left to decay; that for the purpose of hastening such decomposition, the pile is from time to time turned over, and, when the same is thoroughly decomposed, is reshipped and carried away from the Island.

That at Knowles Works, refuse matter, bone and other animal matter is brought to them and is subjected to chemical process, and then when in marketable shape is taken from the Island and sold.

And deponent further says that the

stench arising from the manure, bone and other refuse matter while being carried to the Island and during decomposition or manufacture there is offensive and as deponent truly believes detrimental to the health of himself and family.

And deponent further says that the foregoing affidavit is true of his own knowledge except as to such matters as are therein stated on information and belief, and as to those matters he believes them to be true.

Sworn to before me this }  
24<sup>th</sup> day of June 1879. }

W. L. Craig  
Notary Public  
Certif. filed.

Morris Wietsch

A true copy

Emmuel Clark  
Secretary.



1147

*copy*  
In the Matter of  
Morris Dietrich  
Complainant of

Rikers Island

1148

COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State; GREETING:

An indictment having been found on the 28 day of Nov  
188 4, in the Court of General Sessions of the Peace, of the County of  
New York, charging Michael Kane

with the crime of

Maintaining a Public Nuisance

**You are therefore Commanded** forthwith to arrest the above named defendant

and bring him before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the  
City Prison of the City of New York, or if he require it, that you take him before any Magistrate  
in that County, or in the County in which you arrest him, that he may give bail to answer the  
indictment.

City of New York, the 28 day of Nov 188 4

By order of the Court,

[Signature]  
Clerk of Court.

1149

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Michael Kane*

Bench Warrant for Misdemeanor.

Issued

*Nov. 28<sup>th</sup> 1884*

The defendant is to be admitted to be bail  
in the sum of *\$1000* dollars.

*Nov. 29<sup>th</sup> 1884*

The within named  
Defendant was arrested  
this day and brought  
to the District Attorney's  
Office by Det. Sergeants  
Vonderichten & Reilly



City and County of New York, Is:

Charles A. L. Schier, a roundsman of the 24<sup>th</sup> Precinct of the Police Force of the City of New York, being duly sworn deposes that on the 13<sup>th</sup> day of May 1879, he visited Rikers Island County of Queens and State of New York, in company with officers Charles B. Woram and John M. Guckin of said Police Force, for the purpose of ascertaining the source of offensive odors frequently noticed and made the subject of complaint by citizens residing in the 24<sup>th</sup> Ward of the said City. That deponent then and there found a large accumulation of offensive manure and stable refuse, belonging to one Michael Kane of No. 126 East 70<sup>th</sup> Street New York, which in the opinion of deponent is a nuisance and productive of offensive odors in the limits of the City of New York. This manure covers nearly an acre of ground to a depth of about six feet. And that he has often seen the workmen of said Kane dumping and accumulating manure at said place, and that in the course of said dumping and accumulating the most vile and deleterious



1151

odors are generated, offensive to all,  
and prejudicial, as he believes to life  
and health, and which he believes to  
exist at the present time at said Island  
and place before mentioned herein.

Sworn & subscribed  
before me this 18<sup>th</sup> day  
of June, 1879.

William F. J. Chapman  
Notary Public, N.Y.

Chas. A. L. Schier,

Policeman, 24<sup>th</sup> Precinct.

A true copy

Emmuel  
Secretary

1152

Copy

Affidavit of

Charles A. Le. Schier

Offenses were committed to  
from numerous  
gangs on October 13  
between Richardson  
Richard Hume  
country, and he is  
from May 10 to June  
18/79

1153

New York June 13, 1879,  
Genl W. F. Smith,  
President Police Com. N.Y.  
Dear Sir.

Your attention is respectfully called to the intolerable nuisance arising from the factories located on Rikers Island, or its vicinity, making the line of the Southern Boulevard in the vicinity of 138<sup>th</sup> St. unfit for either residence or use as a drive or promenade. There should be some remedy for this and I hope it may be in your power to apply, and correct it. Your prompt action will be gratefully appreciated by many sufferers and

Yours Very Respectfully  
Saml B. White.

A true copy

Samuel B. White  
Secretary -

Office of F. Brugman & Son  
Chemists, No 41 Ann Street.

New York June 14. 1879.

Wm F. Smith, Esq., Police Commissioner.

Sir. Allow me to call your attention to an intolerable nuisance existing on Rikers Island, in the way of a bone-boiling establishment, which

1154

at times causes such a stench at my residence, 144<sup>th</sup> St. and Southern Boulevard, as to compel us to go in-doors and close all windows and doors, which is not alone very unpleasant in warm weather, but is no doubt injurious to health.

If you can do anything in the matter you will confer a great favor upon myself and family as well as upon all of my neighbors.

Yours Respectfully  
Francis F. Brugman  
144<sup>th</sup> St & Southern Boulevard.

a true copy

Emmott Clark  
Secretary.



1155

Copy  
Letters to Gen. & W. H. Smith  
complaining of  
Pikers Island Nuisance

City and County  
of New York fs:

Thomas Ferris of 300 Mulberry Street and 339 East 30<sup>th</sup> Street New York City, being duly sworn saith that he spent some days on the waters around Rikers Island, and that occasionally he smelt the bad odors pervading said Island. This was previous to the 24<sup>th</sup> of May 1879 when he went ashore at said Rikers Island, that as soon as he landed upon said Island he found a most nauseous and offensive odor pervading the air; he then proceeded in the direction from which said stenches arose; that he soon discovered two men in a sort of factory or shed turning what appeared to be sheep manure and sheep toes, and also a quantity of ground bone, all of which smelt strongly and offensively. That there was also other material in barrels from which stenches arose, and the whole surroundings in and around said factory or shed appeared to him to send forth bad and unhealthy odors, such as would be prejudicial to life and health. That there was large quantities of manure there, of another kind, which was

1157

equally offensive, - hundreds of loads  
of it there. That the same day he  
visited Port Morris, N.Y., where he  
found the same offensive odors and  
smell which he found upon the  
waters and at Rikers Island.

Sworn to before me this 24<sup>th</sup>  
day of June 1879,

Wm F. Y. Chapman

Notary Public, N.Y.

Thomas Ferris

A true copy,

Emmunuel

Secretary.

*copy*  
In the Matter of the  
Nuisances at  
Rikers Island

Affidavit of Thomas Ferris

1158

Memorandum.

Sanitary Bureau.

Health Department, N. 301 Mott St.

Nuisances on Rikers Island which affect residents of Port Morris in the neighborhood of 138<sup>th</sup> and, say, 157<sup>th</sup> St. New York:

(1.) Michael Kane - 126 E. 70<sup>th</sup> Street - has a large manure heap on the Island, about six feet high, covering about an acre.

Mr. J. E. Lyons, 41 Wall St., complains of this as a nuisance, and has witnesses to show that it is offensive at Port Morris.

Other witnesses are Morris Deutsch residing at 145<sup>th</sup> St + Southern Boulevard.

(2?) S. A. Goldschmidt, 59 Liberty St.

(3?) John E. Comfort, Morrisania.

Thomas Ferris - Detective (300 Mulberry St)

Charles A. Schrier - Policeman, 24<sup>th</sup> Precinct

(2.) L. G. Knowles - 2280 Third Avenue - Manufactures fertilizers at Rikers Island, and Mr. J. E. Lyon, E. 41<sup>st</sup> St. - complains that offensive odors are caused by him at Port Morris. He has witnesses to show this.

Other witnesses are Morris Deutsch 145<sup>th</sup> St. + Southern Boulevard.



1159

Mr. John E. Comfort, Morrisania  
ass't Sanitary Inspector,

Mr. S.A. Goldschmidt, 59 Liberty.

These two Inspectors have not  
traced the smell but they have inspected  
the works.

Thomas Ferris, detective (300 Mulberry)

a true copy

Ernest Clay

Secretary

Mem: Relating to  
Rikers Island Nuisance  
and witnessed.

Amended

with

1160

Board of Health - Sanitary Bureau.  
New York, June 19. 1879.

Walter de F. Day, M.D.

Sanitary Superintendent.

Sir: Having made an investigation into the causes of the complaints of the inhabitants of the upper Wards of this City, in relation to the foul stench apparently proceeding from Rikers Island, I have the honor to report:

On Wednesday, June 18. 1879, (M.D.).

Comfort and myself rowed over to the Island. the wind being north-easterly, we approached the Island from the South West, in order to obtain the odor, said to be thence given off. The smell is described as being quite peculiar and varying in character on different days. The wind being light we failed to discover anything until within a quarter of a mile of the Island, when a strong smell of rotting manure was obtained. Landing near the point the Phosphate Factory there situated was first visited. This contained a large amount of crude and manufactured material, the greater portion of which seemed to be old stock. Outside, were piled a large number of Carboys, some empty, the others filled with fresh sulphuric acid. Nowhere within or without was any

sludge acid, or sludge phosphate found; nor did we find any tar or other evidence of the recent employment of sludge acid.

Adjoining this building was a large pile of rotting manure some six or seven feet deep, and covering nearly an acre of ground. Mingled with the manure was a quantity of refuse hops and brewer's grains which were fermenting rapidly, and which gave forth a smell resembling, as the boatman stated, the odors which have at times annoyed the inhabitants of Port Morris. Thus the alternate deposition of the grains and manure upon the heap would account for variation in the smell; and the more rapid decomposition of the manure after a rain-storm for the increased stench obtained at such periods: - the evening of Sunday last being an example.

I would conclude therefore from the information I have been able thus far to obtain, that the chief cause of the nuisance which has annoyed the New Yorkers in the vicinity of Port Morris is the rotting manure heaps situated



1162

upon Rikers Island.

Accompanying this report you will find a sample of the fertilizer from the Phosphate Factory upon the Island.

All of which is respectfully submitted.

S. A. Goldschmidt, Ph. D.

Special Sanitary Inspector.

A true copy

Emm O'Leary  
Secretary.



*Copies*  
*Report upon Inspec-*  
*tion of Pikers Island*

*S. A. Goldschmidt*  
*Special Asst Sanitary Insp.*

*Received by Special Asst Sanitary Insp.*  
*S. A. Goldschmidt*  
*U.S. Dept. of War*

1163

1164

Court of Oyer & Terminer  
County of New York.

The People }  
vs }  
Michael Kane }

City & County of New York ss.

Mary R. Morris  
being duly sworn deposes and says that  
on Tuesday, February 3<sup>rd</sup>, 1885, at about  
four o'clock in the afternoon, acting as  
a committee from the Ladies Health  
Protective Association, she visited the  
yard near the foot of East 46<sup>th</sup> Street  
and there saw the above named  
Michael Kane and asked of him  
permission for a man whom de-  
ponent had employed for the purpose  
to enter said yard and make an  
examination and estimate and  
determine the quantity of manure  
then lying in said yard, and at the  
time of asking such permission  
deponent presented to said Kane  
a letter written and signed by Mrs.  
Mathilde F. Ward, President of  
said Ladies Health Protective Association,

requesting him to grant such permission; that said Kane refused to receive said letter and refused to give deponent permission to send a man upon the yard for the purpose set forth.

And deponent further says that there were at the time a large number of carts and workmen busily engaged in removing manure from said yard and that in some places where the surface of the earth was visible it was several feet below the level of the surface which was visible when deponent visited said yard on the 31<sup>st</sup> day of January last, as set forth in her affidavit heretofore presented to this Court.

Subscribed and sworn Mary R. Norris.  
this 4<sup>th</sup> day of February,  
1885, before me

David A. [Signature]

Notary Public

N. Y. County.

City & County of New York, ss.

Eliza J. Sparks and  
Cecilia Fendler being severally sworn



does each for herself depose and  
 say that she has read the foregoing  
 affidavit signed by Mary R. Morris,  
 and that so far as the same relates  
 to the appearance of the manure  
 yard referred to at the times specified  
 in said affidavit, this deponent knows  
 it to be true.

Subscribed and. Eliza J. Sparks  
 sworn this 4<sup>th</sup> day Cecil C. Smith  
 of February, 1885,  
 before me

John W. D.  
 Notary Public,  
 N.Y. County.



Court of Appeal & Testimony

People  
12

Michael Kane -

Affidavits of  
Nancy R. Morris  
Elija J. Sparks &  
Cecilia Mueller.

1167

Court of Oyer & Terminer }  
County of New York. }

The People }  
vs }  
Michael Kane }

City & County of New York, p.

Matthilde F. Wendt,  
being duly sworn deposes and says  
that she is President of the Ladies  
Health Protective Association; that  
on the 3<sup>rd</sup> day of February, 1885, as such  
President she gave to Mrs. Mary R.  
Morris, one of the members of said  
Association, a letter to the above  
named Michael Kane in which the  
deponent requested said Kane to  
permit the said Mrs. Morris to have  
an examination made for the  
purpose of determining the quan-  
tity of mamme then in his yard at  
the foot of East 46<sup>th</sup> Street.

And deponent further says  
that on being informed that the said  
Kane had refused to permit such  
examination to be made she went  
to the office of said Kane, adjoining

v  
 said manure yard, accompanied by Mrs. Frances Stiebel, one of the members of said association, and deponent there personally requested said Kane to permit such examination to be made; that said Kane refused to permit any examinations to be made, and refused to give any reasons for such refusal, saying that he, Kane, was attending to his own business and that deponent and her companion would better mind their own, with other similar remarks.

And deponent further says that she then made such examinations of the yard as could be made by looking from the street and saw that there was a large quantity of manure still in said yard, in some places evidently many feet in depth; that a large number of carts were busily employed in removing manure.  
 Sworn and subscribed Matthew J. Henke  
 this 4<sup>th</sup> day of February,  
 1885, before me

*Revised*  
 Notary Public  
 N.Y. County.



1170

City & County of New York, ss.

Frances Stibel, being duly sworn, deposes and says that she has read the foregoing affidavit signed by Mathilde F. Wendt, and that she knows the same to be true; that she accompanied Mrs. Wendt to the office of the said Michael Kane and heard him refuse to permit any excavation of the yard. And deponent fully concurs with Mrs. Wendt as to the quantity of manure in said yard at the time of said visit.

Subscribed & sworn

this 4<sup>th</sup> day of February Francis Stibel,  
1885, before me

David Dougherty,

Notary Public,  
N.Y. County.



Count of August Zimmerman

People

Michael Kane,

Affidavits of  
Matthew J. Wanders  
Frances Stichel

1171

1172

New York Feb. 4<sup>th</sup> 1885.  
 Walter D<sup>r</sup> J Day Esq  
 Sanitary Superintendent  
 Sir:

We L<sup>d</sup> M Morris, Chief Inspector  
 and Ch<sup>r</sup> C. F Roberts Sanitary Inspector of the  
 First Division, Sanitary Bureau, of the Health  
 Department have the honor to report, that  
 between 3 and 4 o'clock P.M. this day, ~~that~~ we  
 inspected the Manure yard & dumping places  
 between East 46<sup>th</sup> & 47<sup>th</sup> sts East River and  
 found that there were about 40 men with  
 about 22 carts actively engaged in removing the  
 manure and cleaning the surface of the ground  
 where the manure had been piled. That  
 all except a small portion of the yard had been  
 cleaned, where there appeared to be about  
 25 or 30 loads which were being removed.  
 It is proper to say that if the work of  
 removal continues with the same rapidity  
 as at present, for ~~another~~ two or three hours  
 more, all of the manure will be removed.

Respectfully submitted  
 Moses Morris, Chief Inspector.  
 Ch<sup>r</sup> P. F Roberts M<sup>d</sup> Sanitary Inspector.

Sworn to before me this  
 4<sup>th</sup> day of Feb<sup>y</sup> 1885  
 W F Y Chapman  
 Not Public  
 NYC

A. Y. Feb 4. 1885

Moran Morris M.D. &  
C. F. Roberts M.D.  
Inspectors -

Report on condition of  
Marine Lands foot of  
E 46 + 47 + 48. Ekivier.

Sanitary Bureau

Feb 4<sup>th</sup> 1885.

Respectfully forwarded to

Emmons Selack, Secretary -

I beg to state that I was  
present at the inspection  
of the Marine dump made  
this afternoon and am cogni-  
zant of the facts within  
stated -

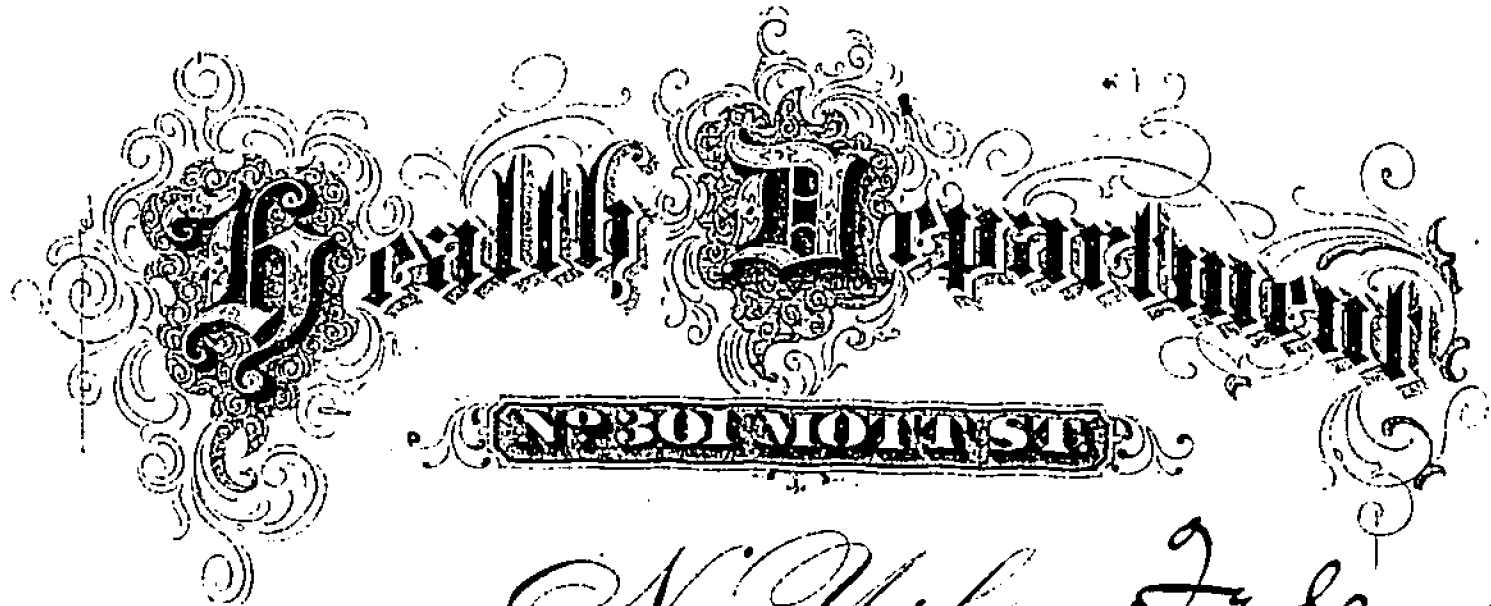
Walter A. P. Day (M.D.)  
Sanitary Superintendent

filed Feb 3. 1885

1173



1174



New York July 4<sup>th</sup> 1885

John M. Loman, Esq.

Deput. Asst. Dist. Atty, & Chief Clerk

District Attorney's Office

New York City

Sir,

In compliance with request of District Attorney (in form of the 2<sup>d</sup> inst) for a report from this Department as to the condition of the "Ranc Manor heap," I enclose a report of Chief Inspector D. Moraw Morris and Sanitary Inspector Charles F. Roberts duly verified, with Certificate of Sanitary Department Day Inspected thereon -

Yours  
Emmons Clark, Secy.



1175

Court of Oyer + Terminer  
County of New York.

The People vs

vs.  $\frac{3}{3}$

Michael Kane

City and County of New York.

Michael Kane, above named, being duly sworn, makes oath and says That he has removed entirely, all the Manure and Straw from his yards at 46<sup>th</sup> St 47<sup>th</sup> Street and East River; Said yards have been scraped and swept clean of refuse.

Subscribed and

sworn to before me

This 5<sup>th</sup> of February

1888.

*Wm. J. [Signature]*  
Clerk Court of Oyer + Terminer

Michael Kane

1176

Post  
Hans

People interested

Dr. J. J. Higgins	23 Beckman Place
Dr. Chas. L. Schenck	263 Bway - (Clerk)
Col. Emmons Clark	
Dr. Day	
Wm. Dietz	cor 49 St + 2 ave - Butcher
Theodore L. McAlpin	Reporter
Baron Stevenson	Reporter
Mrs. Wendt	414 E. 5-1 St
Hedwisch Mole	33 Beckman Pl.
Eliza Sparks	420 E. 50 St.
Mary E. Trautman	27 Beckman Pl.
Cecelia Fendler	24 " "
Mary Morris	427 E. 50 St
Hennetta Connor	12 Mitchell Pl.
Margaret Schubert	402 E. 57 St
Amelia Tangridge	15 Mitchell Pl
Annie Barck	30 Beckman Pl.
Sophia Stein	5 Mitchell Pl.
Otto Horwiltz	12 Beckman Pl.
Dr. Chas. F. Roberts	
Ludwig Schwobacker	250 E. 57 St
Marie Grammer	25 Beckman Pl.
M. Schubert	
Prof. E. Karsen	

1177

Mr. Owen -

" Conway

2.5. 1947  
City of London  
Place

Paul Schmitt

320 E. 45th

Fred L. G. ... 2021 E. 47th  
Klot ... 45th & 47th St  
Michael Fogel 230 E. 52nd St  
215th St

Booth

Dr. Salaman ... 26 Dec.

Mann -

43rd St  
P + Williams  
214th St.

4th ...

Officer Donnelly

46th St

... from Small ...

Dr. Salaman - Expert

Mr. ... Police -

Mr. Miller - Am 46th & 1st Ave

Mrs. ...

Mr. Katz -

Mr. ... - Mrs. ...

1178

Mrs Krogle -

Mrs Gavig -

Mr Magher

J. Mrs Tiffer

734

1st Ave  
West 42 St

42nd St East Side

1st Ave -

348 E. 46th St

Mr. Kew

Office Droring.

John M. Tracy.

1066

Park Ave

62nd St.

F. Henry Hamilton

John S. Ferguson

Meyer Becker

141 W. 53rd St

167

E. 51st St

Robert Hall -



1179

Defa W. Tucker

For an act to be injurious to the public there is no need that it should in fact injury every one. But it must be of a nature to produce injury to all, and when carried fully out must in fact injury all who are in the particular locality or otherwise in the influence of the act. 1 Bishop on Criminal Law, Sec. 243.

The public health is an interest of supreme regard, therefore every thing of sufficient magnitude calculated to impair it is indictable at the common law. Ibid, Sec. 489.

Injury to the public health is one ground on which the carrying on of noxious trade in thickly settled neighborhoods is held to be a crime. Ibid, Sec. 491.

Every nuisance is annoying to only a few of the citizens of the particular place. They are the public of that locality. It is a public nuisance if it annoys such part of the public as necessarily come in contact with it. Ibid, Sec. 1077. Hackney vs. The State, 8 Indiana, 494.

The carrying on of offensive trades in populous places is indictable as injuring the public health, also as a disturber to the public convenience. Both of these grounds need not exist together, but if the senses, for instance, are offended by the smell or by the noise, this is sufficient. There is no need that the offensiveness should produce disease. See Livery Stable case, Burdett vs. Swenson, 17 Texas, 489. 1 Bishop on Criminal Law, Sec. 1138.

An indictment for a nuisance by steeping stinking skins in water, laying it to be committed near the highway, and also near several dwelling houses, has been held sufficient; for if a man erects a nuisance near the highway by which the air thereabout is corrupted, it must in its nature be a nuisance to those who are in the highway. 1 Russell on Crimes, 435.

It is not necessary that the smell should be unwholesome but it is enough if it renders the enjoyment of life and property uncomfortable; and the existence of the nuisance depends upon the number of the houses and concourse of people and is a matter of fact to be judged of by the jury. Ibid, 436.

If there be smells offensive to the senses that is enough, as the neighborhood has a right to fresh and pure air. Ibid, 437, and cases cited.

In nuisance it is not necessary to prove any criminal intent, 6 Parker Criminal Reports, 347.

1181

DISTRICT ATTORNEY'S OFFICE,  
New York, ..... 188

The People  
vs  
Mary Hogan et al  
Witness <sup>to offense</sup> away to Saratoga  
will not be back until  
latter part of next month.

[illegible]



11811

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

The People of the State of New York, To the Sheriff, Deputy  
Sheriffs, and Policemen of the City and County of New  
York, GREETING:

We Command You, and each of you, That you  
take the body of

*Richard A. Gane*

who stand INDICTED before our Justices of our Court of General Sessions of the

Peace, in and for the said City and County, for

*Dissease*

and *him* forthwith bring before our said Justices, in the said City and County,

to be dealt with according to Law.

WITNESS, Hon.

*Samuel J. Muldoon, Sheriff*  
day of *June* in the  
year of our Lord one thousand eight hundred and seventy-eight.

BY THE COURT,

BENJAMIN K. PHELPS,

District Attorney.

*Henry B. Cooke, Jr.*

1184

N.Y. General Sessions of the Peace

THE PEOPLE  
Of the State of New York,

vs.

*Michael Sant.*

BENCH WARRANT.

Issued

*June 14* 187 *8*

☒ The Officer executing this process will make his return  
to the Court forthwith.

hair found on the body belonged, or who is the "shot" mentioned in the rambling note left by his son.

## HOTBEDS FOR CHOLERA.

EAST SIDE NUISANCES WHICH PROMISE TO FOSTER THE DISEASE.

The efforts of the national and State authorities to prevent the introduction of cholera into this country can prove of small avail if the local authorities do not assist by getting rid of all nuisances which may foster the disease. There is held to be reason to fear that all the skill and care exercised by sanitary officers in Europe, appointed by the American government to examine ships bound for this country, cannot prevent cholera germs from reaching these shores; hence the importance of seeing that no nuisance exists in cities on this side of the ocean to foster the germs after they have arrived.

The New York Board of Health has an opportunity of doing good work in that district which lies between Third avenue and the East River and is bounded on the north and south by Fifth and Forty-third streets.

As a HERALD reporter was riding down Second avenue yesterday morning he became aware of an intensely offensive smell when he approached Forty-ninth street. He left the car to examine the cause of it, and it did not require a great amount of scent to direct him to the fountain head. Close to the river's banks, between Forty-sixth and Forty-seventh streets, lay a yard enclosed with boards. Within the enclosure were huge stacks of smoking manure, some eight or nine hundred tons in all. Lying on the stacks and standing about the yard were about fifty small carts. The alleys between the stacks were ankle deep in slime, and a filthy stream trickled from the yard to the river. The stench was so terrible that the reporter could not believe it came from stable refuse alone; but he was unable to discover offal or other refuse such as the odor suggested. Inquiry elicited the fact that complaints by neighbors have been very frequent for some time, but have so far proved useless.

WHAT A DOCTOR THINKS OF IT.

Dr. Farrie, of No. 217 East Forty-fifth street was visited by the reporter, and asked if he had been inconvenienced by any smell coming from the direction of this yard.

"I should think I had been inconvenienced by it. So has every one else in the neighborhood," replied Dr. Farrie. "It is perfectly disgraceful to allow such a place to exist in a thickly populated district like this."

"Don't you think the presence of this yard produces disease?" asked the reporter.

"Think it? I know it. The neighborhood is full of typhoid fever. Why, I know of five cases of typhoid fever in this very block, and I believe this yard to be the cause of nearly all."

"Do you suppose that if cholera were to appear in this country such a place could be a means of spreading it?"

"If the germs of the disease were to settle in such a place as that yard they could not find a more perfect bed for propagating. The whole district round here is inviting cholera, as it were."

A CLERGYMAN'S COMPLAINT.

The reporter then called on the Rev. Father Nicot, pastor of St. Barnabas' Church, on Second

avenue. The reverend gentleman said he was aware of the complaints made against the yard, but he made none himself. He considered the condition of drainage in that neighborhood disgraceful.

Near his church was a store with a small yard at the back, which was simply an excavation of the rock boarded over. This yard was used as a sort of sink, and, as there were no drains connected with the house, everything was pitched out there.

The foundation being rock the stuff could not get away, and percolated through the brick walls of his church during the wet weather, causing an intolerable smell. He had been obliged to renew some woodwork on that side of the church, as the original wood had been rotted away.

The reporter then examined some of the streets leading down from First avenue to the river. They were all filthy. The occupants of some of the wretched houses were noticed emptying all sorts of slops into the roadway. At the foot of Forty-seventh street lay a barge loaded with the contents of dust bins, from which some enterprising chiffonier had been collecting rags, which lay a loathsome sight, and, taken together with the pungent odors of the neighborhood, made the reporter glad to escape.

## NO RELIGION IN HEALING.

THE GOOD WORK BEING DONE AT THE MOUNT SINAI HOSPITAL.

Improvements made during the past

at Sinai Hospital, Lexington ave-

street, rendered the reception

Board of Directors and

adies' Auxiliary Society

May 1, 1905.

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FARM.

home in Union

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and



1186

New York June 11. 1876

Professor Chandler.

Dear Sir

Sentence.

has been suspended, in  
the case of Mr. Kane the  
manure man at the foot  
of 45th St. East River on  
condition that he would  
perpetrate no further  
nuisance at said place  
at present there is over  
4000 cubic yards of horse  
manure and refuse of every  
possible description in the  
cellar under his large  
stable, and also he is  
commencing to accumulate  
a large heap in the lot



1187

adjoining the stable. He  
also has a large accum-  
ulation of this filthy stuff  
at 95th St & East River  
If you allow this <sup>man</sup> to  
go on he will <sup>make</sup> the place  
so offensive as it was  
last summer I will take  
the liberty to suggest that  
if these places are not  
cleansed within a few days  
that you will call the  
attention of District Atty.  
Phelps and have this  
man brought to court and  
sentenced.

Yours &c  
A Sufferer.

1188

Health Department of the City of New York,

OFFICE OF THE ATTORNEY AND COUNSEL,

(Rooms Nos. 46 and 47.)

NO. 301 MOTT STREET,

New York,

187

Requested by Mr. Anthony [unclear]  
to inform you that -  
Michael Kane (& Savage) at  
No. 44<sup>th</sup> St. East River is  
dumping and storing refuse  
and also is doing [unclear]  
as reported by Dr. Hamilton Van [unclear]  
Also I beg to inclose a  
letter for the subject. Best regards.  
When Kane was arraigned  
in Court in the last indictment it  
was in concealment, that if we  
knew and because of the indictment  
he had stopped.

Very respectfully  
[Signature]

1189

Health Department of the City of New York,

OFFICE OF THE ATTORNEY AND COUNSEL,

(Rooms Nos. 46 and 47.)

No. 301 MOTT STREET,

New York June 13/1878

Hon Bk. Phelps  
Scribner  
Dear Sir.

The dumping of refuse  
had been stopped this Spring as  
you before by the action of the  
Police after Resolution of the  
Board of Health, before the  
indictment against Kane was  
found in other Complaints -  
Since the indictment the  
work has begun again, and  
as your office has taken the  
matter in hand, I am



1190

THE SANITARY CODE.

41

SEC. 111. That neither the owner, tenant, nor occupant of any building or premises, in the built-up portions of the City of New York, shall employ, cause or permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control) to be removed, unless according to a permit or the regulations of the said Department.

SEC. 112.\* That no pile or deposit of manure, offal, dirt, or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within the built-up portions of the City of New York, or upon any open space inclosed within any portions thereof, or upon the piers, docks, or bulkheads adjacent thereto, or upon any open grounds near (or upon any vessel or scow other than those to be speedily, and according to the duty of any person, removed, lying at) any such pier, wharf, or bulkhead, except according to a resolution of this Board specially authorizing the same, and a permit obtained from this Department, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay, or other substance which has been used as bedding for animals, be placed or dried upon any street, or sidewalk, or roof of any building, nor shall any straw, hay, or other substance, or the contents of any mattress or bed, be deposited or burnt; nor shall accumulation thereof be made within two hundred feet of any street, without a permit from this Board.

SEC. 113. That no pile or deposit of manure, offal, or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within three hundred feet

\* As amended May 5, 1874.



of any church or place of worship, nor within the limits of said city within three hundred feet of any inhabited dwelling, nor shall any person or corporation unload, discharge, or put upon or along the line of any railroad, street, or highway, or public place within said city, any manure, offal, garbage, or other offensive or nauseous substance, within three hundred feet of any inhabited dwelling, nor shall cars or flats loaded with or having in or upon them any such substance or substances be allowed to remain or stand on or along any railroad, street, or highway within the limits of said city within three hundred feet of any inhabited dwelling.

SEC. 114. That no manure, garbage, or other material that is liable to emit an offensive exhalation, shall, in or adjacent to the built-up portions of the City of New York, be turned or stirred (except about its removal), in such way as to be liable, by reason thereof, to increase such exhalations.

SEC. 115. That every proprietor, lessee, tenant, and occupant of any oyster-house, oyster-saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used, or sold, or where any of the refuse matter, or shells thereof accumulate, shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon, and premises at all times free from any offensive smells or accumulations.

SEC. 116. That no hotel or house swill or garbage, or offensive material of a liquid nature, or partly liquid nature, not removed or required to be moved by the contractors for street cleaning, shall be transported through or along any street of the City of New York, except in

1192

DISTRICT ATTORNEY'S OFFICE,

New York,

188

One who creates  
nuisance, is liable for  
its continuance so  
long as he in fact owns  
or possesses the premises  
on which the nuisance  
is created, or derives  
benefit from its con-  
tinuance

2. Conn. 174  
Hansen. Coming & Land,  
288 -  
Cited 8 Ann 391

1193



New York, June 17<sup>th</sup> 1879  
Benjamin F. Phelps Esq  
District Attorney

Sir: At a meeting of the Board of Health held this day it was

Resolved, that whereas the nuisances described  
in the reports of Special San. Inspector Goldschmidt and Asst. <sup>Sanitary Inspector Comfort</sup>, are sit-  
uated in Kings County and Queens County and are of injurious  
effect within the limits of this city, but are beyond the jurisdic-  
tion of this Board;

Resolved, that the aforesaid reports be sent  
to the District Attorney, and he be requested to lay the subject  
of these nuisances before the Grand Jury.

Attest Copy

(6 Enclosures)

Emmott Clark  
Secretary



1194



New York, June 25, 1879.

Benjamin F. Phelps, Esq.

District Attorney.

Sir: At a regular meeting of this Board held on the 24<sup>th</sup> inst. it was

"Resolved. That copies of the affidavits of Thomas Ferris and Morris Dietrich, in respect to offensive odors from Rikers Island, be forwarded to the District Attorney."

a true copy

Emmus Clark  
Secretary.



1195

West Farms Station

New York July 1 1879

To Dr. Wm. I. Day

Gen. Supt. &c.

Sir: On my visit to the residence of Mr. Benjamin G. Arnold this morning I found the house filled with the odor of the statto manure deposited on "Rikers Island" nearly opposite this dwelling. It was a fearful stench obliging them to close the doors and windows. Is there no way we can be rid of the nuisance? It was bad enough when the fish guano factory was there but this is a greater nuisance to all the residents in that locality and they are anxious you should do something to abate it. They are ready to co-operate with you to abate the almost intolerable nuisance.

By giving this matter your earliest attention you will oblige many residents along the sound and also yourself

Very Obedt Servt.

A. H. Freeman MRA

True Copy

Emmerson Gould  
Secretary

Health Department  
New York, July 2, 1899.

Respectfully to the  
District Attorney,

By Order of the Board

Emmanuel  
Secretary.

1196

1197

City & County  
of New York, ss:

John E. Comfort, an Inspector of the Health Department of said City being duly sworn saith, that upon the 10<sup>th</sup> day of May last he visited Rikers Island, N.Y., that he there found an establishment for the manufacture of fertilizers, in which refuse scraps and other animal matter were treated with acids, that at said date they were not manufacturing fertilizers, but I found a large quantity of material that had been so treated. This establishment is owned and conducted by Louis E. Knowles of 2280 Third Avenue, N.Y. The manufacture must necessarily be attended with foul, nauseous and offensive odors consequent upon their said business and which without doubt are smelt in the upper parts of said City. Deponent further saith that he also found there a storage ground for manure owned and operated by one Michael Kane of 126 E. 70<sup>th</sup> Street, N.Y., covering about an acre of ground to the average depth of six or eight feet. This, deponent further says, he conceives to be a great nuisance attended as it is



1198

and must be with many foul and offensive odors, especially when said manure is stirred and turned over.

Deponent further saith that upon the 18<sup>th</sup> day of June last he did further visit said Island, and said manure accumulation, where at a distance of 1000 feet therefrom in a westerly direction he distinctly perceived a strong nauseous and offensive smell or odor arising therefrom, which deponent believes to be prejudicial to life and health. The condition of the fertilizing establishment was much the same, no work being done there at that time.

Sworn to before me this  
23<sup>d</sup> day of June 1879.

John E. Comfort  
Asst San. Insp.

W. F. J. Chapman

Notary Public, N.Y.

A true copy

Emmrs Clerk

Secretary.

Copy

Report on Rikers

Island, June 23. 1879.

J. C. Comfort, M.D.

Asst. San. Insp.

Since I received the report of  
10/79 and for a long time I have been  
convinced of the necessity of  
efficiency in the treatment of  
deaf, & mental & physical  
weakness and also that  
the best exposed such as  
syphilis & gonorrhea in other

cases of disease

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1200

Court of Oyer and Terminer.

County of New York.

-----X  
The People of the State of New York :

-: against :- o

Michael Kane. :

-----X  
City and County of New York, S S :

M I C H A E L K A N E, being duly sworn,  
makes oath and says:

I. That he has been engaged for twenty five years  
in the business of removing stable manure from private and  
public stables in this city to gardens and farms, chiefly on  
Long Island, and, in order to do so he has invested a con-  
siderable sum in scows, carts, horses &c.

II. In conducting said business he has intended and  
endeavored not to annoy or injure any person, and, in fact,  
expended tens of thousands of dollars in plans so to conduct  
his business as to leave no ground for complaint.

III. In all those years, it has happened, that, in  
a few cases, he has been complained of and he has been fined  
for not having conformed to the sanitary law. But no



1201

other charge has been made against him and he has been a law abiding citizen, intending to be, and believing that he was so, even in respect of his businss.

IV. That for the purpose of rapidly removing the manure from the city stables, sometimes accumulating more rapidly than he could ship it, he had a dumping ground on East River at the foot of East 46th Street, and he believed it to be a suitable place for that use because of its general surroundings.

V. In May or June last affiant purposed to remove from said locality and he requested the Board of Health, under the law of 1884, to designate certain lots near the foot of East 96th Street as a place where he might leave temporary deposits in order to conveniently ship the manure. It has ever since been his intention to transfer his business from 46th Street. Said Board took the matter under consideration and affiant awaited their action.

In the meantime, farmers, on account of alleged hard times, stopped their usual demand for manure, yet, at the same time, during many weeks, the owners of hundreds of private and many livery stables insisted that the daily accumulations in said stables in every part of the city should be removed by affiant, and it came faster than he could ship it.

VI. Affiant did not, and does not now believe, that the deposit injured the health of his fellow citizens; and, he says, that if such had been the result, no one more than he would regret it.

1202

VIII. Affiant says he heard of no complaint, and he did not receive any notice from the Board of Health to discontinue such deposit until November 26th 1884.

VIII. Immediately upon said notice, affiant stopped taking more manure from stables than he could ship each day, and, at the same time, he began, and has ever since continued, to the full capacity of the resources of his dock and scows (and he has hired several additional scows), daily shipping from the said dump pile.

He is now removing said pile as rapidly as he can do it in view of the cold weather, ~~ice in the river~~, and the obstruction for the time being, occasioned by the freezing of the inlets and creeks on Long Island, which retard the scows and schooners by which the manure is shipped.

IX. Affiant intends in good faith not to add any to the said stock, but, on the contrary, to remove the whole of it without any other delay than is unavoidable from Wintry weather. He also says that he does not <sup>or</sup> "work" ~~at~~ break said stock, save as is necessary to put it on carts and dump it into the scows, and during cold weather, such as now obtains, comparatively little odor arises from the manure.

X. In order to manifest his proper recognition of the legal authorities, affiant on Wednesday last, through his counsel, applied to the Board of Health for such permit with suitable restrictions as will protect him during the term while he is reasonably removing said deposit of manure

1203

and for no other purpose.

XI. Affiant further says that, being unable now to store manure ~~and~~ awaiting its transshipment, and it being impracticable for him to receive all that he is under obligation to remove, because he could not at the same time ship the pile now in the yard, he is threatened with several actions for large damages, and he is trying to make the best terms he can, but in any even<sup>t</sup> his losses<sup>t</sup> will be very large.

Subscribed and sworn  
to before me this 29<sup>th</sup>  
day of December 1884

Michael Kane

Alex. S. Bacon

Notary Public, Kings County  
(Cert. filed in N.Y. Co.)



1204

WM. Ogden Thomas Court.

The People

Plaintiff  
against

Michael Kane.

Defendant

Affidavit of  
Michael Kane.

SULLIVAN & CROMWELL,

Attorneys for defendant.

DREXEL BUILDING WALL ST.

NEW YORK CITY.

Due Service of a Copy of the within is hereby admitted this  
day of

188

Filed Dec 30. 1887

1205

Court of Cyer and Terminer.

County of New York.

-----X  
The People of the State of New York :

-: against :- o

Michael Kane. :

-----X  
City and County of New York, S S :

M I C H A E L K A N E, being duly sworn,  
makes oath and says:

I. That he has been engaged for twenty five years  
in the business of removing stable manure from private and  
public stables in this city to gardens and farms, chiefly on  
Long Island, and, in order to do so he has invested a con-  
siderable sum in scows, carts, horses &c.

II. In conducting said business he has intended and  
endeavored not to annoy or injure any person, and, in fact,  
expended tens of thousands of dollars in plans so to conduct  
his business as to leave no ground for complaint.

III. In all those years, it has happened, that, in  
a few cases, he has been complained of and he has been fined  
for not having conformed to the sanitary law. But no.

1206

other charge has been made against him and he has been a law abiding citizen, intending to be, and believing that he was so, even in respect of his usings.

IV. That for the purpose of rapidly removing the manure from the city stables, sometimes accumulating more rapidly than he could ship it, he had a dumping ground on East River at the foot of East 40th Street, and he believed it to be a suitable place for that use because of its general surroundings.

V. In May or June last affiant proposed to remove from said locality and he requested the Board of Health, under the law of 1884, to designate certain lots near the foot of East 90th Street as a place where he might leave temporary deposits in order to conveniently ship the manure. It has ever since been his intention to transfer his business from 40th Street. Said Board took the matter under consideration and affiant awaited their action.

In the meantime, farmers, on account of alleged hard times, stopped their usual demand for manure, yet, at the same time, during many weeks, the owners of hundreds of private and many livery stables insisted that the daily accumulations in said stables in every part of the city should be removed by affiant, and it came faster than he could ship it.

VI. Affiant did not, and does not now believe, that the deposit injured the health of his fellow citizens; and, he says, that if such had been the result, no one more than he would regret it.



1207

VIII. Affiant says he heard of no complaint, and he did not receive any notice from the Board of Health to discontinue such deposit until November 20th 1904.

VIII. Immediately upon said notice, affiant stopped taking more manure from stables than he could ship each day, and, at the same time, he began, and has ever since continued, to the full capacity of the resources of his dock and scows (and he has hired several additional scows), daily shipping from the said dump pile.

He is now removing said pile as rapidly as he can do it in view of the cold weather, ~~XXXXXXXXXXXX~~, and the obstruction for the time being, occasioned by the freezing of the inlets and creeks on Long Island, which retard the scows and schooners by which the manure is shipped.

IX. Affiant intends in good faith not to add any to the said stock, but, on the contrary, to remove the whole of it without any other delay than is unavoidable from wintry weather. He also says that he does not "work" or break said stock save as is necessary to put it on carts and dump it into the scows, and during cold weather, such as now obtains, comparatively little odor arises from the manure.

X. In order to manifest his proper recognition of the legal authorities, affiant on Wednesday last, through his counsel, applied to the Board of Health for such permit with suitable restrictions as will protect him during the term while he is reasonably removing said deposit of manure.

1208

and for no other purpose.

XI. Affiant further says that, being unable now to store manure ~~xxx~~ awaiting its transshipment, and it being impracticable for him to receive all that he is under obligation to remove, because he could not at the same time ship the pile now in the yard, he is threatened with several actions for large damages, and he is trying to make the best terms he can, but in any event his losses will be very large.

Subscribed and sworn to before me this 29<sup>th</sup> day of December 1884.

Michael Kane.

Alex. S. Bacon.

Notary Public, Kings Co. N.Y.

(Cert. filed in N.Y. Co.

1209

N.Y. City and Terminals Court.

The People

Plaintiff

against

Michael Kane.

Defendant

Copy

Affidavit of  
Michael Kane.

SULLIVAN & CROMWELL,

Attorneys for defendant.

DREXEL BUILDING WALL ST.

NEW YORK CITY.

Due Service of a Copy of the within is hereby admitted this

day of

188

Filed Dec 30 1894



12 10

Henry B. Muller  
 John Muller  
 Mrs John A Smith  
 Mrs D. Hayes  
 Mrs E T Smith  
 Mrs Geo Smith  
 Mrs E. Jones  
 Mrs E E Spacknall  
 Mrs William Jackson 240 E 50 St  
 Mrs. Roberts. 238 E 52nd St  
 Mrs E. D. Hall 227 E 53rd St  
 Mrs C. Hall 327 E 50th St  
 419 East 50th Street  
 423 - 50th Street  
 232 " R. 68th St  
 219 E 37th St  
 225 E 50th St  
 224 E 50th St  
 227 E 50th St  
 231 E 50th St

To the Board of Directors of the  
City of New York.

The undersigned according to the vicinity of East River and 46<sup>th</sup> St. respectfully call your attention to the nuisance existing at that point as described in annexed copyings of the daily papers and request you to take such action in the matter as you may see fit to take the

2

Amico

Mrs. A. G. Decker.  
 Messrs. de Meidinger  
 1511 Third St. Denver  
 A. J. Gould

A. H. E. and  
J. D. D. and  
J. D. D. and

Wm. Lloyd Garrison

Thy friend  
Mrs. M. Egan

John Huchingson  
Henry A. Higgins  
Frank D. Hughes

*[Handwritten signature]*

W. J. B. & C.

893 1 of 2  
 361 2 2 2 1 2  
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 423 2 2 2 2  
 423 2 2 2 2

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893107u

9/9 Knott

829  
E. J. 1878

#17 1300 Main Place  
 422 E. 50 St.  
 #24 East 50th St.

1427 & 1428

427 G. J. 1887

457

4156 50th St

12 12

To the Jury of the County of New York.

The undersigned, residents in the vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point, as described in annexed clippings of the daily papers - and request you to take such action in the matter as you may see fit, to abate the nuisance.

Names	Residence
Mrs. H. Wile	316 E. 42 <sup>nd</sup> St.
Mrs. L. Osterweil	316 E. 42 <sup>nd</sup> St.
Mrs. A. H. Gass	314 E. 42 <sup>nd</sup> St.
Mrs. H. H. Hant	326 E. 42 <sup>nd</sup> St.
A. Schultz	308 E. 42 <sup>nd</sup> St.
Bedell	304 E. 42 <sup>nd</sup> St.
Mrs. Conroy	302 E. 42 <sup>nd</sup> St.
<del>Mrs. E. Schacht</del>	320 E. 42 <sup>nd</sup> St.
Amelia Euler	318 E. 42 <sup>nd</sup> St.
Anna Levy	338 East 42 <sup>nd</sup> Street.
Mrs. J. Lyman	323 E. 42 <sup>nd</sup> St.
Mrs. M. Lyman	327 E. 42 <sup>nd</sup> St.
Mrs. R. Steiner	
Mrs. R. E. Laro	343 E. 42 <sup>nd</sup> St.
Mrs. R. Bates	339 E. 42 <sup>nd</sup> St.



NOVEMBER 25, 1884.—TRIPLE SHEET.

cruelty to animals, 54 for forgery, 55 for gambling, 88 for homicide, 896 for insanity, 1,457 for grand larceny, 3,202 for petit larceny, 690 for larceny from the person, 4 for libel, 4 for mayhem, 19 for perjury, 816 for robbery, 28,696 for disorderly conduct, 20,445 for intoxication, 6,275 for vagrancy, 1,356 for violation of excise law, 108 for violation of the lottery law and 29 for violation of the Sunday law.

#### DECORATED BY AN EMPEROR.

#### AN AMERICAN SAILOR'S HEROISM HANDSOMELY REWARDED.

Collector Robertson recently received from the Secretary of State a diploma from the Emperor of Japan, written in the Japanese language, and accompanied by a handsome gold medal. The diploma conferred the Order of the Red Ribbon upon Captain John E. Hawkins, of the American bark B. F. Watson, for bravery in saving lives, and the medal was the insignia of the Order. Captain Hawkins was in this port with his vessel, and was sent for by the Collector yesterday and presented with the honors from the Emperor of Japan. It appears that on the 17th of March last Captain Hawkins, in the B. F. Watson, was near the Japanese port of Nomiski, in a gale of wind, when he saw a Japanese boat in a sinking condition. At much risk he saved the lives of the four Japanese sailors on the wreck, and it was for this heroic deed that the Emperor has distinguished him.

#### DOT VURST POY.

John calls with the week's washing and says to the lady of the house:—"My wife Annie can't wash for you for two, three weeks." "Why?" asks the lady. "She had a little poy. He was dod. I am for dot boy sorry, dot vurst you."

#### FOR SELLING BOGUS BUTTER.

Emanuel Lanfertich has an oleomargarine factory at Nos. 188 and 190 Houston street. He sold a butterlike substance to W. H. Meeker, who took it to Deputy Commissioner Van Valkenburgh, of the State Dairy Commission. Then it was analyzed and found to be oleomargarine. Lanfertich's clerk, Maurice Marx, who sold the stuff to Meeker, was arrested and gave bail in the sum of \$300 at Jefferson Market Police Court yesterday.

#### FOOD ANALYSTS ORGANIZED.

The second conference of food analysts and inspectors was held yesterday in the office of Health Commissioner Raymond, Brooklyn Municipal Building. The report of the Committee on Organization was received. A constitution and by-laws were presented by the committee. The society is to be known as "The American Society of Public Analysts." Its objects will be the dissemination of knowledge relating to the detection and prevention of adulteration and falsification of food products and drugs; also the sanitary control of the same.

#### SIX DRUNKEN LITTLE BURGLARS.

Six bad boys, ranging from eleven to fifteen years old, broke into Henry Kruger's Duane street liquor store on Sunday night, and drank three gallons of wine from a demijohn. Willie Breen, eleven years old, and living at No. 12 Caroline street, was found drunk that night in Washington street. When he sobered up he cried and told all about it, and the police arrested James Tobin, fifteen, of No. 8 Caroline street; James Campbell, twelve, of No. 12 Caroline street; and Joseph Kane, fifteen, of No. 375 Washington street. The other two boys are known and will be arrested. The four prisoners are in the Tombs.

#### DISCIPLES OF ESCULAPIUS.

At a meeting last evening of the Medical Society of the County of New York, Dr. Vanderpoel, retiring president, welcomed with an appropriate address the newly elected president, Dr. Lewis, who, in turn, made a happy rejoinder. An important point in his speech was urging a ceaseless war against bogus medical colleges. He also recommended most efforts in assisting the Board of Health to prevent the encroachment of cholera. An interesting paper was read by Dr. Baruch, followed by a lengthy interchange of views by the members.

#### AIR OF THE PAULIST FATHERS.

Paulist Fathers have nearly completed their church of St. Paul the Apostle, and last evening which they have for many weeks been holding, was opened in the main building.

## AMMONIA NO DISINFECTANT.

Eminent New York Chemists on the East Side Plague Spot.

### INVITING AN EPIDEMIC.

Professors Chandler, Draper and Doremus Expose Some Popular Fallacies.

That a great many other nuisances exist on the east side, besides the manure yard known as Kane's yard, has been shown in the columns of the HERALD, and that they are likely to create dangerous disease if not promptly attended to is a matter on which sanitary experts have only one opinion. The theory has been advanced that the existence of a manure heap in a neighborhood redolent with death bringing gases is beneficial to the public health, and that the ammonia escaping from the manure acts as a disinfectant.

A HERALD reporter found Professor Charles Chandler at Columbia College yesterday morning and asked him whether in his opinion ammonia was a disinfectant. The Professor's face beamed into a smile, and he said something which sounded uncommonly like "Bosh."

"I cannot understand how any one claiming any knowledge of chemistry should make such an assertion."

"Do you consider the existence of such a place as the manure yard on the east side detrimental to the public health?" asked the reporter.

"Most assuredly I do. I was for ten years president of the Board of Health and during the time I held that office I put a stop to the nuisance. We had to keep relays of policemen continually on the spot to prevent the men from depositing the manure in the yard and insisted on the stuff being shipped off as soon as it arrived. I believe it was the action I took against those yards that lost me the presidency of the Board, for the men connected with the manure business are rich and have a strong political backing. I hope the HERALD will continue to take the stand it has already adopted against the nuisance, for we are liable to have cholera introduced into the city next spring, and that yard is just waiting to propagate its germs."

"The healthy condition of the men working in the yard is used, Professor, as an argument in favor of its existence."

"That only proves the survival of the fittest. The main argument brought forward in favor of the existence of sewer gas and the rosy cheeks and good appetites of plumbers were cited as a proof that we had nothing to fear from bad drainage. All such nonsensical theories are exploded now. You may rest assured of this, that the existence of a mass of fermenting manure is dangerous to the community, and it is disgraceful that it should be allowed within any city's limits."

#### WHAT PROFESSOR DRAPER THINKS.

Professor John O. Draper was found at Bellevue Hospital, signing diplomas. "Ammonia," he said, "is a stimulant, but I cannot understand how any one should speak of it as a disinfectant, and I should certainly not say that the smell of even fresh manure was wholesome. Any disagreeable odor must be detrimental to health, and allowing such stuff to ferment in a thickly populated neighborhood is a disgrace to the city authorities. Some time ago, when the horses were suffering from glanders, which is a dangerous and often fatal disease when communicated to men, a number of stablemen and others caught it. Now, this disease would be very rapidly communicated through the existence of a mass of decomposing stable refuse should it become prevalent again. I consider the existence of such a manure yard as has been described is jeopardizing the public health."

#### NOT A DISINFECTANT.

"I have already alluded in public," said Professor Robert Ogden Doremus to the reporter, "to the vile effluvia arising from a mass of decomposing manure which is not only almost irrespirable, but also most unwholesome. These who pass by stables where the manure has been collected for many weeks and has undergone fermentation, are familiar with the almost choking odor that is discharged from the putrid mass, very different from the odor observed from fresh manure. This is one of the serious objections to the

1214

To the Grand Jury of the  
City of New York.

The undersigned residents  
of the vicinity of East  
River and 46<sup>th</sup> St. respect-  
fully call your attention  
to the nuisance existing  
at that point as described  
in annexed clippings of the  
daily papers and request you  
to take such action in the  
matter as you <sup>may</sup> see fit to  
abate the nuisance.

<u>Names</u>	<u>Residence</u>
John E. Tom	414 East 57 <sup>th</sup> St.
Emilia Bender	406 East 57 <sup>th</sup> St.
Ellie K. Linder	404 East 57 <sup>th</sup> St.
Margaretta Schubert	402 East 57 <sup>th</sup> St.
Wm. O. Gochum	410 East 57 <sup>th</sup> St.
Mrs. Maria Menckle	422 East 57 <sup>th</sup> St.
Mrs. Louise Gornisch	424 East 57 <sup>th</sup> St.
M <sup>rs</sup> John K. Kuehl	426 East 57 <sup>th</sup> St.
Mrs. L. Lichtenstein	430 East 57 <sup>th</sup> St.
Mrs. John Adamo	432 East 57 <sup>th</sup> St.
M <sup>rs</sup> Henry Gad	434 East 57 <sup>th</sup> St.
Matilda Mosher	420 East 57 <sup>th</sup> St.
Mrs. M. Vaughan	420 East 57 <sup>th</sup> St.



1215

Mrs. H. Chatonev.	425 East 51 <sup>st</sup> St.
Margaret C. Connolly	416 E. 51 <sup>st</sup> St.
Mary Fall	427 E. 51 <sup>st</sup> St.
E. H. Harold	423 E. 51 <sup>st</sup> St.
Francis Stribel	421 E. 51 <sup>st</sup> St.
Mrs. Wm. Lovenberg	419 E. 51 <sup>st</sup> St.
Mrs. P. B. Lang	417 E. 51 <sup>st</sup> St.
Mrs. M. Hoar	415 E. 51 <sup>st</sup> St.
M. W. Epstein	411 E. 51 <sup>st</sup> St.
Miss Epstein	411 E. 51 <sup>st</sup> St.
Miss Isaac	409 E. 51 <sup>st</sup> St.
Mrs. J. Berg	407 E. 51 <sup>st</sup> St.
Mrs. M. Liberty	407 51 <sup>st</sup> Street
Mrs. M. Nussbaum	407 51 <sup>st</sup> Street
Mrs. M. Wankel	401 E. 51 <sup>st</sup> St.
Mrs. Huggett	401 E. 51 <sup>st</sup> St.
Mrs. Kautsky	401 E. 51 <sup>st</sup> St.
Miss Alverdy	401 E. 51 <sup>st</sup> St.
Miss J. E. Binger	412 E. 51 <sup>st</sup> St.
Mrs. J. Kussel	14 Mitchell Place
Mrs. P. Mc Cormick	13 Mitchell Place
Mrs. M. Levy	11 Mitchell Place
C. Birnbaum	9 Mitchell Place
Mrs. F. Fishel	9 Mitchell Place
Mrs. H. Klein	8 Mitchell Place
Mrs. S. Prothmehl	7 Mitchell Place
Mrs. S. C. Stein	5 Mitchell Pl.
Mrs. Leon Dürndorf	425 East 52 <sup>nd</sup> St.



12 16

To the Grand Jury of the City of New York.

The undersigned residents of the Vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point as described in annexed clippings of the daily papers, and request you to take such action in the matter as you see fit, to abate the nuisance.

Names	Residence.
Mrs J. Wile	33 Beekman Place
Mrs R. Schottelkopf	33 Beekman Place
Mrs J. C. Blanches	34 Beekman Place
Mrs E. Lucetone	32 Beekman Place
Mrs F. W. Phillips	28 Beekman Place
Mrs P. L. Hogart	26 Beekman Place
Mrs E. E. Tucker	24 Beekman Place
Mrs J. E. Harland	35 Beekman Place
Mrs. Henry Harland	35 Beekman Place
Mrs John Corbell	30 Beekman Place
Mrs M. A. Owens	20 Beekman Place
Elizabeth Seitz	18 Beekman Place
Mrs Nathan Kamm	14 Beekman Place
Mrs. P. A. Turek	16 Beekman Place
Mrs. M. E. Webster	10 Beekman Place
Mrs M. Dinathan	8 Beekman Place
Mrs L. Oppenheimer	8 Beekman Place
Mrs. J. W. Corning	4 Beekman Place
Mrs M. Byrne	4 Beekman Place
Mrs J. Hyman	22 Beekman Place

1217

Mrs. Otto Horwitz. 12 Beckman Pl.

12 18

Mrs. Otto Horvitz  
Mrs. Michael Putzel  
Meta Volkman

12 Beckman Place  
252 East 48<sup>th</sup> Street  
414 E. 51 St.



12.19

To the Grand Jury of the County of New York.

The undersigned, residents of the vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point as described in annexed clippings of the Daily Papers - and request you to take such action in the matter as you may see fit, to abate the nuisance.

Names.

Mrs B. Hornitz  
 Mrs P. Heykendorf  
 Mrs A. C. White

Residence

37. Beckman Place  
 47. Beckman Place,  
 31. Beckman Place

1220

City and County of New-York, SS.:

Cornelius Van Zandt, being duly sworn, deposes and says: That he is a member of the Sanitary Police Force of the City of New-York; that from the 5' day of December, 1884, deponent has been stationed at Michael J. Kane's manure dump, at the foot of East 46' street, in said City; that deponent has been present at said manure dump each day since the said 5' day of December from seven o'clock in the morning until half past five o'clock in the afternoon; that between the 5' and the 27' days of December, 1884, there has been no manure dumped at said place; that between the 5' day of December and the date of Kane's conviction he, the said Kane, had removed from said dump 2,159 loads; that since said Kane's conviction and up to and including the 27' day of December the said Kane has removed only 1,363 loads; that the total number of loads of manure removed from said dump since the said 5' day of December, 1884, is 3,522; that there now remain at said dump about 16,478 loads of manure, which deponent is informed by the said Kane will be removed by the 1st. of March, 1884, the weather permitting.

Deponent further says that he has questioned a number of Kane's employes, and they all told him that there has been no manure dumped at said place since the day that Kane got notice that he had been indicted by the Grand Jury.

Sworn to before me, this : *Cornelius Van Zandt*  
29' day of December, 1884.

*Henry Herzbach*

*Notary Public (167)*  
*N. Y. Co.*

The People's  
- 107 -  
Michael Kane

filed Dec 30-1884

1221



1222

To the Honored Jury of the County of  
New York -

The undersigned, residents in the  
vicinity of East River and 46th Street,  
respectfully call your attention to the  
nuisance existing at that point as  
described in annexed clippings from the  
daily papers and request you to take  
such action in the matter as you may  
see fit to abate the nuisance.

Names

Residence

Mrs C. Schollmeier 415 E. 50th St  
Mrs J. M. Hagedorn 415 E. 50th  
Mrs E. Stern 413 E. 50th  
Mrs L. Wolff 413 E. 50th  
Mrs J. H. Paley 411 E. 50th  
Mrs J. Hagedorn  
Mrs S. Rannenberg  
Mrs E. Ebert  
Mrs H. Frankel  
Miss M. E. Crocker  
Mrs E. C. Pease  
Louisa Lindbergh

407 E. 50th  
407 E. 50th St.  
403 E. 50th St.  
401 E. 50th St.  
400 East 50th

1223

Mr. C. L. Linder

Mrs. J. Lester

Mrs. G. Frank

Mrs. Hess.

" E. Luf

Miss C. Schumann

Miss Baker

" C. H. Linder

Mrs. M. Carroll

Mrs. A. Levene

Mrs. M. Block.

Mrs. J. C. Minton

Mrs. D. Wetheran

Miss J. Vero

Mrs. H. Hirsch

Mrs. S. Jacobs

Mrs. H. Ammons

Mrs. B. Stearns

Mrs. A. Straus

Mrs. M. Zerkowich

Mrs. S. Lougherty

Miss C. L. Linder

Mrs. M. E. Ericson

Mrs. Annie C. Brine

Mrs. E. Miller

Mrs. C. O. Tilling

Mrs. S. L. Linder

402. East 50<sup>th</sup> St.

404 East 50<sup>th</sup> St.

410 East 50<sup>th</sup> St.

412 " " " "

414 " 50<sup>th</sup> St.

414 " 50<sup>th</sup> St.

416 " 50<sup>th</sup> St.

341 " 51<sup>st</sup> St.

341 " 51<sup>st</sup> St.

343 " 51<sup>st</sup> St.

331 51<sup>st</sup> St.

331 E. 51<sup>st</sup> St.

325 East 51<sup>st</sup> St.

323 E. 51<sup>st</sup> St.

309 E. 51<sup>st</sup> St.

305 E. 51<sup>st</sup> St.

958 2nd Ave

958 2nd Ave

960 - 2nd Ave

960 - 2nd Ave

956 - 2nd Ave

954 Second Ave

506 E. 41<sup>st</sup> St.

332 East - 41<sup>st</sup> St.

334 East - 41<sup>st</sup> St.

336 East 41<sup>st</sup> St.

338 East 41<sup>st</sup> St.

340 East 41<sup>st</sup> St.

1224

Mrs. C. Miller

Mrs. C. Miller

Mrs. C. O. Tilling

Mrs. Smith

Mrs. J. J. J. J.

Mrs. L. R. R. R.

Mrs. L. L. L. L.

Mrs. Julia Rindskopf

Mrs. C. C. C. C.

Mrs. C. C. C. C.

Mrs. C. C. C. C.

Mrs. C. C. C. C.

Mrs. G. H. Goodall

Mrs. A. M. Kusick

Mrs. A. Bent

Mrs. B. B. B. B.

Mrs. C. C. C. C.

Mrs. W. H. Hubbard

Mrs. M. B. Jackson

Mrs. F. H. Ashmead

Mrs. J. A. Calanell

Mrs. J. L. O'Neil

Mrs. C. C. C. C.

130 East 43 St

Mrs. Harry

Mrs. H. H. Jones

Mrs. L. L. L. L.

334 East 41 St

336 East 41 St

338 East 41 St

340 East 41 St

140 E. 43 St

140 E. 43 St

140 E. 43 St

138 E. 43 St

138 E. 43 St

138 E. 43 St

138 E. 43 St

138 E. 43 St

134 East 43 St

134 East 43 St

141 East 42 St

141 East 42 St

132 East 43 St

132 East 43 St

130 East 43 St

130 E. 43 St

120 E. 43 St

131 E. 43 St

131 E. 43 St

314 East 51 Street



1225

To the Grand Jury of the County of New York.

The undersigned, residents in the vicinity of East River and 48<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point, as described in annexed clippings of the Daily papers, and request you to take such action in the matter, as you may see fit, to abate the nuisance.

Names.	Residence.
Ida Rauch	253 E. 48 <sup>th</sup> St.
Mrs Rosa Schomack	421 E. 51 <sup>st</sup> St.
Mrs B. Benetkin	241 E 39 <sup>th</sup> St
Mrs J. Wilson	241 E. 39 <sup>th</sup> St.
Mrs J. Wilson	302 E. 39 <sup>th</sup> St.
J. E. Kastell	228 E. 39 <sup>th</sup> St.
J. Kastell	228 E. 39 <sup>th</sup> St.
A. E. McGraw	214 E. 39 <sup>th</sup> St.
John P. Reilly	214 E. 39 <sup>th</sup> St.
Mrs W. B. W. W.	214 E. 39 <sup>th</sup> St.
Mrs W. B. W. W.	216 E 39 <sup>th</sup> St
L. G. Welker	216 East 39 <sup>th</sup> St
E. L. Cove	216 - East 39 <sup>th</sup> St.

1226

Mrs J P Fardine

Mrs Robert Edwards

Mrs Albert Kump

Mrs B. H. Schult

O. Meier

Mrs J. Meier

Lizzie M. Russell

Joseph S. Russell

Joseph S. Russell

Maria Baudot

Mrs. Baudot

Mrs E. Kenton

Mrs. H. H. Wood

Mrs G. F. Allen

221 Bush 39<sup>th</sup> St

206 East 37<sup>th</sup> St

205 East 39<sup>th</sup> St

208 East 39<sup>th</sup> St

214 East 40<sup>th</sup> St

214 East 40<sup>th</sup> St

218 E 41<sup>th</sup> St

218 E 40<sup>th</sup> St

218 E 40<sup>th</sup> St

210 E 40<sup>th</sup> St

210 E 40<sup>th</sup> St

219 E 40<sup>th</sup> St

230 E 39<sup>th</sup> St

230 E 39<sup>th</sup> St

1227

To the Grand Jury of the County of New York.

The undersigned, residents in the vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point, as described in annexed clippings of the daily papers - and request you to take such action in the matter as you may see fit - to abate the nuisance.

Names.	Residence.
J. Grill	355 E. 49 St
John Dietz	924 - 2 Ave
George Ollert	357 E. 49
Charles J. Gifford	351 E 49
John Goebitz	345 E. 49 St
Mr. W. H. Hermann	341 E. 49th Street
Dr. Wm. C. Hoffman	303 E 49 St
Samuel M. Bagnall	218 E 49 St
Edgarine Gwin	218 E 49 St
Charles H. Hengel	599 Second Ave

Mrs. Biegar	277 East 47 St
J. Gifford	342 East 49
Mrs. Schuch	342 East 49
Mrs. Schlosser	364 East 50 Street



1220

~~38-1000000~~  
 38-1000000  
 38-1000000

1229

District Attorney's Office.

*Oyer & Terminer*

PEOPLE

vs.

*Michael Kane*

*Monday Dec. 15. /84*

*Bail Notice issued*

*Sub. v. Kane*

TORN PAGE

1230

Master of Irons and Law (U.S.  
Circuit Ct. Mo. Vol. 29.  
Albany L.J. 156.

See sec. 18 Federal Reporter

29 Law J. p. 154.

State of Missouri v. Adair  
(to be printed) 7. Missouri.

Left office to show that Ohio -  
Margarine was wholesome  
as an article of food -  
Held that offer was properly  
rejected. The Constitutionality  
of the act could not be  
tested that way -

Palmier v. State of Ohio

29 Feb. Law J. 234



TORN PAGE

1231

✓ Mrs Mary Trautman

✓ Mrs Anne Norland

✓ Mrs Matilda Wendt

✓ Mrs Nedding Wile

✓ Mrs Mary Harris

✓ Mrs Olga Spangher

Mrs Brown 1800 - 13 Feb.

1232

*Oyer & Germaine*  
District Attorney's Office.

PEOPLE

vs.

*Michl Kane*

*Thurs Dec 18. 84*

*Bail notified*

7

1233

TO THE CHIEF CLERK!

SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

Thomas Harlan

261 Broadway

Send list of witnesses  
in case of Michael  
Kane —



1234

Matilda F. Wendt

414 E 51<sup>st</sup> St.

Mary E. Trautman

27 Beckman Place

Hedwig Wile

33 Beckman Place

Alma M. Harland

35 Beckman Place

1235

Tuesday Nov 18

1236

I

-----x  
The People of the State of New-York:

- against -

John Doe.  
-----x

BEFORE

The Grand Jury of the City and County of New-York.

New-York, November 20', 1884.

REV. MATTHEW NICOT, is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. You have seen these articles in the newspapers in reference to the nuisance in 46' street?

A. I have.

Q. We want you to tell the Grand Jury what you know about that nuisance?

A. Now, I told very little to that reporter who came to me and said - it was on a Saturday and I had no time just on Saturday to attend to that business, and I told him to come on Monday next and that then we would go together and examine the place, but he did not come then. Then according to what I heard he did as the reporters very often do, and said things I did not say. He drew from his imagination.



1237

2

However, if I am allowed to say what I have to say, I will go on.

A JUROR - Yes, sir.

WITNESS (continuing) - Well, for fifteen or twenty years I have had trouble up there; next to my church in 47<sup>th</sup> street and Second Avenue is a shanty; behind the shanty is a rock, what they call "The Ark"; that rock is inclined and all the stagnant water and the like comes towards our church. In the beginning there was a ditch behind the church, and every thing worked very well - the water could flow off; but those people in spite of all my prayers and recommendations never let that ditch alone; every thing dirty - matters they had to get off they threw in the ditch, and so the water remained there stagnant and gets spoiled and penetrates through the wall of the church so much that the board on the South side of the church near those rocks, they got altogether rotten, and I have been obliged to take them off and to replace them by new ones.

Q. Do you know anything about that pile of manure that is there in 47<sup>th</sup> street?

A. What pile?

Q. Manure - pile of manure?

A. Yes, I know but I never made any complaint. Once in a

1238

3

while, when the weather is changing, then we have to suffer a little, but I believe the population there is so accustomed to it that I never hear any bitter complaints.

Q. Well, you know that there is a pile of manure there?

A. Yes.

Q. And at certain times the odor is offensive?

A. Well, it is offensive but I never made any complaint. It is offensive like those slaughter houses there when the weather is changing; the neighbors are complaining to each other of the very bad odor and great nuisance. If you will allow me to tell you, Mr. President and Gentlemen -

A JUROR - Yes, go on.

WITNESS (continuing) - I wrote twice to the Board of Health but never got an answer, and one day when I was there a gentleman living next to the church told me "It is no use to write, or to go to the Board of Health; some one will go before you or after you with a five dollar bill" - very little indeed - "and things will remain as they are".

Q. You made this complaint to the Board of Health, you say?

A. I did complain of just what I have said.

BY A JUROR -

Q. Well, of the manure heap or of this ditch?

A. Please repeat the question?

Q. Of the manure heap or of the ditch?

A. No, I never complained myself except by my own place.

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Q. The ditch?

A. Yes.

BY THE FOREMAN -

Q. What is the name of the owner of the property from which this water flowed?

A. Well, I can not remember; he lives in Williamsburgh somewhere.

Q. Well, have you made a complaint to the Board of Health with regard to this?

A. I have.

A. Was there ever any thing done, to wit, on your complaint; was it cleaned?

A. They didn't; no, sir.

Q. Do you know whether it was cleaned at any time after you made your complaint?

A. Please -?

Q. Was the nuisance abated after you made your complaint?

A. What? Was the - ?

Q. Was the ditch cleaned out; was the nuisance abated?

A. No.

Q. When did you make a complaint?

A. They didn't do anything at all.

Q. How long have those shanties been there - twenty years, have they not?



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A. Twenty years. Even I would help them to clean the place; they are poor people.

HENRY CLAUSEN, JR., a Juror, makes the following statement:

Q. Please make a statement to the Grand Jury of what you know about it?

A. Well, I know of this manure pile.

BY A JUROR -

Q. No; he is speaking about the shanties?

A. Yes, I know all about them too.

Q. Give us the shanties first?

A. Well, the shanties we have reference to are adjoining his place. The church is on the South-east corner of 47' street and Second Avenue, and the shanties front on First Avenue, North of his church, and run on 47' street, East of his church; they cover about twelve lots of ground, that is of a rocky surface and inclines upwards towards 46' street on the Southerly side. I always <sup>was</sup> under the impression formerly that they were squatters, but now I am told that they pay rent. They have been there since 1857, when I built up in that neighborhood, and they have no drainage or any communication with the sewer, because it would be a very expensive thing to make one there. As to the amount of stagnant water that is on the premises I know nothing. The manure pile at the foot of the street between 46' and 47' streets covers

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about six lots. The property is owned by the Goelet family, and the proprietors of the manure, I think, came in line. They have been there upwards of sixteen to eighteen years, I think, and they gather the manure of the City of New-York and dump it on these grounds, and I understand that they prepare a fertilizer, and they have scows at the end of the street - at the dock, that are loaded from there, and the manure is carted from the lots into the scows. They have a lot of men there with pitch forks, turning it over and preparing it for fertilizing purposes. When a person goes through the street on a foggy day the entire atmosphere is covered with that smell, and there is a great deal of complaint from the people who reside on Beekman Hill, which is a street running parallel with the East River, and running from 49' to 51st. street. The people that reside on Beekman Hill are mostly owners of their own houses - of what is known as brown stone front houses, and I remember as far back as fifteen years ago, or fourteen years ago, that there was a mass meeting held at what is known as the Turtle Bay, a large hall in 45' street, at that time. All the persons of that vicinity, and particularly of Beekman Hill, were present at the meeting. I presided at that meeting. It was an indignation meeting for the purpose of abating this nuisance. Col. Fellows, who resided at Beekman

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Hill, attended at that meeting. It was the first time I had the pleasure of meeting him, and I think they made complaint to the Board of Health at that time. In several instances the Police Department have stationed policemen at the foot of that street to prevent the owners of those premises from dumping manure on the ground, compelling them to load the manure on the scows; but that was only spasmodic, and lasted only a short time. I think the owners of that manure pile claim that they don't dump any there, but put it on their warts and bring it to their scows. Mr. Smith was there with myself this morning, and I think he can tell you about it.

BY A JUROR -

Q. There is a great pile of manure there?

A. Yes, it is eight, ten or twelve feet; I think in some places it fourteen or fifteen feet high.

Q. In the event of an epidemic would you consider that a dangerous spot for your employes and the residents about there?

A. Well, I don't know.

Q. How would you feel about it in case there was an epidemic in the City?

A. Well, I don't know; but I would not feel very nervous; I am naturally not nervous.

Q. You would not feel any way nervous as to the health of your employes being endangered by it?



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A. I don't think I would.

Q. How about the ditch there about Father Nicot's church?

A. Well, I know nothing about that only what I have said. I know that there has been a great deal of complaint about that manure there. We have the slaughter house at the foot of that street, and the blood from the slaughter house passes into the river, and I suppose the smell of it and the manure combined makes the air pretty well impregnated with odors that may be dangerous to life - injurious to life. There are a great many tenement houses in that street where eighteen, twenty and twenty four families reside in one house.

Q. Were you down at the foot of the street, at the sewer?

A. Yes.

Q. Did you detect any bad odors?

A. No, I did not.

Q. I was down there and the water was red?

A. Yes, it was red and the smell was pretty bad.

Q. Has there ever been any illness about that neighborhood that has been attributed to that manure?

A. Well, we have had typhoid fever there two or three years ago in two or three house in 47<sup>th</sup> street, where the Board of Health stepped in and cleaned out the entire houses.

Q. Well, is that from the filth of the houses or from the

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manure?

A. Well, I could not tell.

Q. The houses are filthy houses, are they not?

A. Well, I could not say that; they are a laboring class of people residing in that neighborhood but not a very low class of people.

Q. Do you think the manure heap is a nuisance?

A. Yes, sir.

Q. How is the stench of that pile of manure as compared with your own stable?

A. I presume it is one-thousandth or one ten-thousandth. They have piled up there eight hundred to one thousand tons, and they take it away by horses and carts to the dock.

BARON STEPHENSON, is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. You made an examination of that section on the East side where that pile of manure is stored, did you not?

A. Yes, sir.

Q. Will you please state to the Grand Jury what you saw there?

A. I first went down there on Saturday afternoon and I smelt the stench there very strong, and I found out where it was - between 46' and 47' streets, on the bank of the river. It was then getting dark, so I determined to go the next day; so I went the next day into the yard; there were high

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stacks of smoking manure - some in a very decomposed state. There was a great deal of filth in the alleys between, and going down the street from the yard to the river. There was some slimey stuff trickling down into the river, and the water was quite dyed with manure.

Q. What quantity of manure do you suppose there was?

A. Well, I calculated<sup>a</sup> that there would be - that in fresh put hay there would be about five hundred tons, and I calculated that the manure would make it from eight to nine hundred tons.

Q. Eight to nine hundred tons?

A. Yes; and on Monday I saw them taking it off; they were loading scows there, and when they took off the top part the under part seemed to be there some weeks; it was in a very fermenting state.

Q. It seemed to be thoroughly rotten?

A. Thoroughly rotten?

Q. In your judgment do you think that detrimental to the health of the neighborhood?

A. Well, I can not say that. I never found manure detrimental to the health. Doctors say it is, but then I am not a physician and don't know anything about it.

Q. You didn't speak to any of the employees in the yard?

A. Yes, sir.



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BY A JUROR -

Q. Did you ask them in what condition their health was?

A. Yes; I asked a man who was a watchman there and he told me that he believed it was healthy.

Q. He had been there some years?

A. I don't know; I did not ask him that.

Q. You are a reporter for the Herald, are you not?

A. Yes, sir.

Q. Did you write that article?

A. I wrote the first two articles.

HENRY MC'DONA, is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. You examined that part of the City on the East side, where that pile of manure is stored, did you?

A. No, sir, I examined Jersey street, from Crosby to Mulberry.

Q. Jersey street from Crosby to Mulberry?

A. Jersey street, yes, sir.

Q. Well, just state to the Grand Jury what you saw there and what the nature of it was?

A. Well, I think that all that I noticed was in that article of Tuesday in the Herald. This is a small street; I think it is about three hundred feet long; it runs from Mulberry into Crosby, fronting the back of Niblo's Theatre. There

are a great many children, and there is but one large house in the block; there is a factory which is about six stories high, and the other small buildings are two and three stories high. The court~~y~~ yards are paved, and in the Court yards and on the sheds of the closets all around the inner court on the North side of the street, as I looked out of the windows and went to the place, there were probably hundreds of pounds of wet rags laying there; on the South side of the street there were some half dozen heaps of rags, and some of them were between the gutter and the privies, and the privies were overflowing and running down through the rags, and finally into the gutter of the street. The stench was something intolerable; you could smell it in Crosby street and down in Mulberry street; that is the condition of things that I saw there. It is only yesterday that I had a telegram from a gentleman in the neighborhood, who stated that it was worse yesterday than it had been for months on account of the rain.

Q. Who stated that?

A. Mr. Leo Schlesenger. He has a place on Crosby and Mulberry, and has a number of employes there, and he said that the health of his employes was very bad.

BY A JUROR -

Q. Is he here to-day?

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A. I think not; he said that he had made complaints to the Board of Health about it.

BY THE FOREMAN -

Q. He stated that he had made a complaint to the Board of Health?

A. He stated that he had made a complaint to the Board of Health, and that on the sixth of the month ~~and~~ officer had made a complaint, and after procuring no result he himself made a complaint on Friday. On Tuesday last nothing had been done, and the result of these complaints is that the place is in the same condition that it was before. He told me yesterday over the telephone. The New-York Times, when the cholera first broke out in Italy, had a very long article on this very <sup>spot</sup> ~~spot~~, probably a column and a half, entitled "Cholera's Home", stating that if cholera ever came it would occur in this street. The Board of Health at that time threw some carbolic acid in the street, but never did anything more; they threw it down the street and in the court yard. The privies are overflowing and there is no connection between these vaults and the sewer. There are about five hundred families in that street; the street is perfectly alive with children; there is an opium joint opposite this place, and I think two or three negro whore houses on the South side of the street.



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BY A JUROR -

Q. How did the children appear to look?

A. Like all children in those neighborhoods, very healthy;

they seem to never die. I neglected to state that Mr.

Schlesenger will be able to give you the names and the  
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address of the man who owns that property to whom com-  
plaints have been made by him and by other neighbors.

ALEXANDER SHALER, is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. The attention of the Grand Jury has been called to certain  
nuisances by articles in the newspapers, among others the  
pile of manure on the East River - Will you state to the  
Grand Jury what you know about that; what the condition of  
it is and what efforts have been made to have it abated, &c?

A. Well, sir, there has been a pile of manure there, larger  
or smaller, for some years, and it has been the rule of the  
Health Department to require the manure, as it was received  
from the stables, to be dumped on the boat and transferred,  
but in the fall of the year permits have heretofore been  
granted by the Health Department for piling it up on account  
of the difficulties, as I am informed, of the transportation  
by boat by reason of ice in the harbor and river, and also  
that it was not regarded as an offensive thing in the win-  
ter time, not so much so as the surroundings in the neigh-

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borhood. Now, I refer particularly to 46' street, in the vicinity of the slaughter houses and the rendering establishments. Last year the Legislature passed an act authorizing the Health Department to issue permits for <sup>storing</sup> ~~certain~~ manure on one or more places, and the Department being averse to such action did not desire the authority. In fact, it has declined to exercise it and have continued to decline permits for manure at the foot of 46' street and East River, which I understand is the one particularly referred to, but application, however, has been made by the owners of the piles for a permit many weeks ago, and remains on the table of the Health Board unacted upon, which is caused by the aversion of the Board to permit such collection of decaying matter to remain there.

Q. Well, is that pile of manure ever entirely removed?

A. I understand that it is, sir.

Q. In the summer time all taken away?

A. Yes, sir. It used to be taken away until this summer, as I understand it.

Q. This summer it was not?

A. This summer it was not entirely removed. Last summer I was there and made an inspection and there was very little manure there at that time. As to the manure yard, I should regard the yard itself, after the removal of the pile of

manure more offensive than the pile itself. I visited the locality last spring; I think it was early in the spring, and walked over the pile of manure. I made a personal inspection of all the offensive establishments in that neighborhood in company with some other gentlemen, and my impression is that the manure pile was the least offensive thing we had in that neighborhood. I walked over it for a while and the emanations from it was not very offensive.

Q. Who are the proprietors there?

A. A man by the name of Kane.

BY A JUROR -

Q. You say that the pile of manure that is there now is there without the authority of the Board of Health?

A. Yes, sir.

Q. As to the remedy for making them take it away, do you think that the Board of Health can exercise that?

A. I think the Board of Health can not exercise authority, the Legislature having taken the action that they did last year. They think that it was the desire of the Legislature that permits should be granted, and therefore while we don't feel like granting the permits, being averse to the issue of it, they still think it might be in opposition to the expressed wish of the Legislature to take any proceedings against it, although that question has never come



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before the Board.

Q. Do you know whether the surface of the ground is so saturated that the liquid matter would remain in case the manure was removed?

A. Yes, sir.

Q. Would this act of the Legislature make it mandatory to the Board of Health to issue permits?

A. No, sir; it does not make it mandatory but it authorizes them.

Q. Then they stand just the same as they did before?

A. Principally, but having taken the action at this juncture of it it seems to imply that the Legislature desired they should exercise the authority, and the wish of the Health Department is averse to issuing such permits.

Q. Now, this man is keeping this pile of manure there without any authority from the Board of Health?

A. Yes, sir.

Q. He is taking his own risk by having that pile of manure there?

A. Yes, sir.

Q. Your aversion to giving the permit shows the fact that it is really a nuisance?

A. Yes, sir. It has been regarded by the Health Department as a nuisance in warm weather, but not offensively so in the winter time - not enough to refuse the permit; that is

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really the condition of the Health Department. In the summer time it should not be permitted but in the winter it might. The street has been kept properly cleaned during the summer, and I have frequently noticed it myself, and when inspectors go through that region it is generally so reported. During the last year we have made many improvements and it is better than it has heretofore been. I speak now of Jersey street. Now, they have a great difficulty - with that class of people - the laboring classes. The Italian laborers are very filthy, and there is no sort of legislation that will make them otherwise. There is no enforcement of laws that will make them otherwise. Our sanitary policemen give a great deal of time to that, and to seeing that the law is enforced. I don't think that that street is as bad as it has been. During the summer we are very particular, but no matter how particular we are the people living in that street will deceive us; they will declare that they don't consist of over four or five and we will find that over fifteen or twenty live in a room.

Q. What is the condition of the water closets there? I am told that they are allowed to overrun privies?

A. Well, quite likely at times they may be found so, but I don't know that it is very often.

Q. How many complaints do you receive on an average during the

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year from citizens?

A. Oh, we receive, it might be said, hundreds; in a day perhaps a dozen or two; some days over a hundred and other days not so many.

Q. How many inspectors have you during the day?

A. It is a matter of record in the office.

Q. Well, General, I just wanted to know?

A. We have, sir, a corps of police - sanitary policemen of thirty who we use as inspectors, and then we have a corps of medical men - professional men - of fifteen in number, each of whom has a geographical district which he attends to the complaints of; that is the complaints in that particular district.

Q. Do you consider that your force is sufficient?

A. Well, I don't, sir; and that question I have answered very emphatically and repeatedly, not perhaps so formally before so important a body as the Grand Jury, but it is a matter of record that the <sup>corps</sup>~~scope~~ of inspectors should be increased. The class of inspectors, however, that we require the service the most of are policemen. We find them very efficient indeed in correcting abuses of a class that are the most annoying and the most dangerous to public health. They carry with them their badge and uniform and it is something that is respected by the poorer people <sup>more</sup> than by the genteel



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breast of a medical man, and it would be aggravating to the Department if the force were not increased.

Q. By whom must that be increased?

A. It must be increased by the Legislature. It is necessary that the Legislature should increase the number of policemen in the Health Department; those that we have now are regularly appointed by the Police Department.

Q. Now in relation to these privies being allowed to overflow and run on the surface, is there no way of compelling these people to connect their privies with the sewer?

A. Yes, we are doing that constantly.

Q. Can you give me any idea of how many privies there are in the City of New-York?

A. I would not like to trust my memory as to that; I think there are three or four thousand; that information can be had at our office; we are getting rid of them very rapidly. Now, as to their overflowing I think there may be such isolated cases, but that is all.

Q. There seems to be a complaint in regard to this very place we are speaking of - Jersey street. Have you noticed that locality lately?

A. Not inside.

Q. General, what effect in your opinion has the manure heap upon the general health of the people who reside in that

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vicinity there generally, if any?

A. Well, I don't know. I have been a great deal about stables since I was a boy, and I have at my country seat a pile of manure near my dining room, and it is not as offensive to me as it is to some people. I suppose that some people who pass by a dung pit consider that the most poisonous thing in the world, but I am not impressed that way.

Q. What effect has it upon the health?

A. Professional men and doctors say, I think, that it is promotive of fevers; but I am not a professional man, and the judgment of those men I may refer to always in those cases. I wish to suggest to the Grand Jury in connection with the complaint business that it is the intention and the practice of the Health Department to pay very close attention indeed to complaints from citizens, and I would like to have the Grand Jury impressed with the fact that it rarely happens that the Department fails to give its attention to such matters, and I make this suggestion because the Herald especially, and perhaps other newspapers have made considerable talk about complaints that have been made by Mr. Wens, and I brought Mr. Wens's papers down with me this morning in order that you people might see, for it furnishes an excellent example of the promptitude of the Department. The substance is just this: That on the 13<sup>th</sup> of

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this month, which was only six or seven days ago, a communication addressed to me as President of the Department was received at our office on the 14', and the same day the Herald referred to the sanitary matters, and the same day it was referred by me to the chief of the division, and on that same day the inspection began. Now, I hope I will not be considered out of order in making this statement. I see that Mr. Wens, whoever he may be, made a complaint. There is the form used in the Department for the purpose of obtaining the information in reference to the subject matter of any complaint. That is a blank form (Witness shows paper). When a citizen writes a notice of a nuisance to the Board it is sent out to the Bureau Inspector and a report made on this form. Now, that note of Mr. Wens's was dated November 13'; it is marked "Office of Sanitary Superintendent, received November 14'", and was received at the office of the Third Division, to which it was referred, on November 14'; that is the day after Mr. Wens reported it, and it was returned by the chief of that division on November 19'; that was only five days after it was received by the Department. On November 14', the day that this work was going on at Mr. Wens's suggestion Mr. Wens wrote a note to the State Board of Health on the same subject, which by the State Board of Health was referred to the Health



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Department of New-York, and that is dated at the office of the State Board of Health on November the 15', the very next day, saying that they got that from Mr. Wens, and that was received at our office on the 17' and endorsed "Referred to the Sanitary Superintendent" by order of the Board". The first letter of Mr. Wens was written November 13' to the President of the Health Department of New-York; on the 14' he wrote to the State Board of Health on the same subject, and on November 17' he writes again to the Health Department of New-York on the same subject, waiting three or four days. In the meantime you will see what is being done with the second letter. He writes us the second letter, and it was acknowledged by the Health Department, and is in reference to having written before. I have taken your time to mention these circumstances, and that is the manner in which the office work of the Health Department is conducted.

HENRY A. FARROW is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. You are a physician, are you not?

A. Yes, sir.

Q. Have you had occasion to examine that pile of manure on the East River?

A. I have been on that pile of manure but I have not examined

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it particularly.

Q. Well, what is your opinion as a physician?

A. Well, my opinion in that case is that the City would be better without it there, but I think there are worse places than that though.

Q. Well, what is your opinion as to the effect that the pile of manure left to decompose for three or four months amounting to four or five hundred tons would have?

A. Well, that depends considerably upon the quality of manure. In my opinion it would depend entirely in regard to the quality of the manure.

Q. Well, such manure as composes the pile that is there now, that is taken from stables and such and remains there during the summer, four or five months at the time?

A. Well, it would not be any good to the City. I think that in the decomposition of that there would be a certain amount of animal and vegetable matter that would escape and would be very good seed for disease - I mean that is decomposed. Before it comes there it would not do any harm.

Q. The fact is that most of the manure brought is fresh drip-pings taken from stables and not remaining in the stables over one or two or three days; then it is brought there and left there for four or five months?

A. Yes.

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Q. Now, what would be the effect of a pile of manure that is left there that time - would it have any effect on the health of the neighborhood?

A. Yes, sir, it would have considerable effect as far as epidemic diseases are concerned.

Q. You live in that neighborhood?

A. Yes, sir.

Q. Do you think that pile of manure has any effect on the health of the neighborhood?

A. Yes, sir, I think it has had considerable effect.

BY A JUROR -

Q. There has been an enormous amount of fever there or ~~diphtheria~~ diphtheria, has there not?

A. Yes, sir; I have attended some of them myself.

Q. Do you trace any of it to that?

A. Yes, sir, I trace part of it to those causes and part to some others.

Q. The drainage there is very defective?

A. Yes, sir. In 46' and 47' streets I have had two cases of cerebral spinal meningitis, two cases which were both fatal.

Q. Do you think that cerebral spinal meningitis is caused by this heap?

A. We can not tell; medical science has never got down to the bottom of that; that don't know what the germs of that



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New-York, November 24, 1884.

Met pursuant to adjournment.

IRENE A. HARLAND is duly sworn and testifies as follows:

BY THE FOREMAN -

Q. You wish to give some testimony to the Grand Jury with reference to that nuisance in 47<sup>th</sup> street - you live in that neighborhood, do you not?

A. Yes, sir.

Q. Lived there some time?

A. Lived there six years.

Q. What do you know about that nuisance?

A. Well, I know it is simply unendurable; it makes our place so unpleasant that very few people can live there, and we are only able to live there because we have a place in the country and we go down there and live for part of the season; it is the greatest possible drawback to my living in that place, and we have, as Mrs. Wendt told you, I suppose - we have taken some action in the matter now. The ladies have been down there and have investigated it, and have seen for themselves what the nuisance is, and I went down there on Friday and found an immense heap of manure there, steaming and fermenting in the sun, and it is these odors which the South-east winds bring up to our place.

Q. Was that pile there all last summer?

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A. Well, that I can not testify to, but we had the smell all the summer, and in summer, of course, you can understand that it is much worse than at any other season of the year, though this autumn it has been perfectly frightful. The report in the paper is that it has been there, but of course I can not testify to that; I can only say that we have had that same odor that I found there on Friday; we have had it all summer.

Q. You have made an effort to have it abated?

A. We are making the first effort; I have not been able to do anything myself before, but now the ladies have taken it up and this is our first effort before you here.

Q. Do you own the house you live in?

A. Yes, sir, we do.

Q. Is it on what they call Beekman Hill?

A. Yes, sir - 35 Beekman Place.

Q. It is elevated ground?

A. Elevated ground, very healthy location except for this one nuisance.

Q. A nice class of houses?

A. A nice class of houses, but of course you can understand that property has gone down at least one-half in value since the original purchase. It is a dreadful, frightful suffering we have to endure whenever we have a South-easterly wind.

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Q. Do you know of any other ~~ix~~ nuisances in that vicinity?

A. No other nuisance.

Q. Such as fat boiling or slaughter houses?

A. Of course I can not speak of the slaughter houses; I have not been up there.

Q. The odor you get up there is from the manure heap?

A. From the manure heap. I suppose there are other odors, and if we succeed in this we hope to do something about those, but they are not so tangible. I believe that the other odors don't waft their perfumes so far, and we get more of the manure heap than we do of any thing else.

MRS. A. M. HARLAND is duly sworn, and testifies as follows:

BY THE FOREMAN -

Q. Now, tell the Grand Jury what you know about this nuisance in your neighborhood, so far as you know about it?

A. I know that we are troubled by very disagreeable odors in our house, and that it ~~xxxxx~~ causes to myself a great deal of personal sickness. I think the odors are very strong, especially in summer.

Q. Where do you reside?

A. 35 Beekman Place.

Q. Were you there during last summer?



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A. I was there last summer until the 18' of August.

Q. Was there a pile of manure there all last summer?

A. I can not say; I was only there until the 18' of August.

Q. Well, was there a pile of manure there up to the 18' of August?

A. Yes, sir, I believe so. I have not investigated it fully.

Q. But you experienced the odors until the 18' of August?

A. Oh, yes, very decidedly.

BY A JUROR -

Q. Which direction is this Beekman Place from the yard - North or South from it?

A. It is North.

Q. How many blocks?

A. Five blocks - four blocks; between four and five; it is 51st. street.

Q. Do you have any ~~in~~ odors from the East side of the river there - from Hunter's Point?

A. Oh, yes, but they are not very disagreeable.

Q. You can tell the two apart?

A. Oh, we can tell them very distinctly apart; we can tell the odors at once.

BY THE FOREMAN -

Q. Do you know of any cases in the neighborhood that can be traced to this cause?

1265

31

A. I believe so. I believe that Mrs. Trautman, who is a neighbor of ours - that her children are affected by it. Her physicians say that the atmosphere is very bad for the children, and say that she will have to leave there; and there is also a neighbor, Mrs. Neidlinger, whose child is also sick; and Mrs. Wendt's family have suffered from it.

Q. What is the name of the physician?

A. Dr. Edward ~~Guernsey~~ Guernsey.

BY A JUROR -

Q. A Homoeopathic physician?

A. A Homoeopathic physician; and Dr. Higgins also, who I believe lives in 25, is also ready to appear as a witness against these odors to give his testimony. He believes they are very unhealthy.

BY THE FOREMAN -

Q. Dr. Edward Guernsey and Dr. ---?

A. Dr. Edward Guernsey and Dr. Higgins.

BY A JUROR -

Q. How long have you lived in that neighborhood?

A. I only just come to live there; I came to live there in May.

Q. Last May?

A. Yes.

A D J O U R N E D

To Tuesday, November 25, 1884, at 11 o'clock A. M.

1266

disease are, but we find that these cases exist in such localities than in others; that is all we know of it; the profession is entirely ignorant of the nature of these things; of typhoid fever we know that there is a poison existing, but the nature of it we do not know.

Q. Well, do you think this would breed cholera?

A. No, sir, I don't think it would, but it would be a very nice chance for cholera to rest; it would be one of the *shadami* causes favoring cholera.

ADJOURNED

To Friday, November 21st., 1884, at 11 o'clock A. M.



1267

TO THE HONORABLE SECRETARY OF THE ARMY  
WASHINGTON, D. C.  
JAN 10 1947

0661  
Sgt. J. J. Quinn

Dear Sir:

I am writing to you in regard to the matter of the

Michael Kane

of the 1st Cavalry Division, who was reported missing in action on 11 December 1946. I am writing to you in regard to the matter of the Michael Kane of the 1st Cavalry Division, who was reported missing in action on 11 December 1946. I am writing to you in regard to the matter of the Michael Kane of the 1st Cavalry Division, who was reported missing in action on 11 December 1946.

1268

31

Mrs. H. Penfielder  
Mrs. S. Mollay  
Mrs. Anna Pratt  
Mrs. L. Miff  
Mrs. C. Rosenwald

221 East 49 St  
213 East 49 St.  
218 East 49 St  
226 East 49 St  
228 E. 49.

Mrs. D. Froehlich  
Mrs. E. H. Kogman  
Mrs. S. Latz  
Mrs. S. Gorchman  
Mrs. C. Wenzel  
Mrs. G. Gygger  
Mrs. J. Hirsch  
Mrs. J. Kern

230 East 49 St.  
234 E. 49 St.  
240 E. 49 St.  
242 E. 49 St.  
244 E. 49 St.  
246 E. 49 St.  
252 E. 49 St.  
408 E. 51 St.

1269

To the Grand Jury of the City of New York.

The undersigned, residents in the vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point, as described in annexed clippings of the Daily Express — and request you to take such action in the matter as you may see fit, to abate the nuisance.

Names.

Residence.

S. Himmelman	926 - 2 Ave
Mrs Maurice Daly	247 E. 49 -
Mrs B. Mer.	245 " 49
Mrs B. Kehler	243 E 49
E. Lerner	241 E. 49
R. Kahn	239 E 49.
Wm. B. Long	235 E. 49 -
Mr Catharine A. Gebrey	233 East 49 <sup>th</sup> St.
Mrs E. Stone	229 East 49 <sup>th</sup> St.
Mrs. G. Ritzler	227 East 49 <sup>th</sup> St.
Mrs J. Volk	225 " 49 St
Mrs J. Giles	224 " 49 <sup>th</sup> St



1270

Mrs. R. A. Eisner	5 Mitchell Pl.
Mrs. H. Steinweg	6 Mitchell Pl.
Mrs. B. Harris	17 Mitchell Pl.
Miss H. A. Stein	5 Mitchell Pl.
Miss F. A. Stein	5 Mitchell Pl.
Mrs. L. Volkman	4 Mitchell Place
Mrs. H. Jacobsen	4 Mitchell Place
Mrs. J. Prager	4 Mitchell Place
Mrs. D. Cohen	5 Mitchell Place
Mrs. B. Abraham	2 Mitchell Place
Mrs. J. Vermilyea	2 Mitchell Place
Mrs. M. Simon	1 Mitchell place
Mrs. D. S. Sandborn	1 Mitchell Place
Mrs. E. Wolfstein	310 East 51 Street
E. I. Rosenfeld	310 East 51 St
Mrs. J. Frank	308 E. 51 St
Mrs. J. Isaac	308 E. 51 St
Mrs. J. Gartner	308 E. 51 Street
Mrs. L. Schwarzkopf	306 E. 51 St
Mrs. B. Bloch	304 E. 51 St
Mrs. Kronkroph	304 E. 51 St
Mrs. A. Block	302 E. 51 St
Mrs. A. Dunkel	302 E. 51 St
Mrs. H. Muller	

To the Grand Jury of the City of New-York.

The undersigned, residents of the vicinity of East River and 46<sup>th</sup> Street, respectfully call your attention to the nuisance existing at that point, as described in annexed clippings of the daily papers - and request you to take such action in the matter as you may see fit to abate the nuisance.

Names.	Residence.
Mrs. J. Ginzburg.	31. Beckman place.
Mrs. P. Buchbinder	31 Beckman place.
Mrs. E. ...	29 Beckman Place
Mrs. Ralph Thattman	27 Beckman Place
Dr. Lattie Blampy	" " " "
Miss. G. Lachman	" " " "
Mrs. Emil Gramm	25 Beckman Place
Mrs. Ernest Lange	25 Beckman Place
John L. Higgins	23 Beckman Place
Mrs. H. T. Mulgrew	21 Beckman Place
Mrs. L. E. Crust	13. Beckman Place.
Mrs. J. L. Strauss	37 Beckman Place.
Mrs. C. Vaytats	39 Beckman Place
Miss M. Oberbauer	39 Beckman Place.
Mrs. J. Goldzier	39 Beckman Place.
Mrs. B. Bruner	354 E. 51 <sup>st</sup> St.
Mrs. P. Mayer	354 E. 51 <sup>st</sup> St.
Mrs. J. Lamp	354 E. 51 <sup>st</sup> St.

1272

Mrs. J. S. Asch	352 E. 51 <sup>st</sup> Street
Mrs. J. K. Law	352 E. 51 <sup>st</sup> St.
Mrs. M. H. Mann	350 E. 51 <sup>st</sup> St.
Mrs. P. Baum	350 E. 51 <sup>st</sup> St.
Mrs. Baumgartner	348 E. 51 <sup>st</sup> St.
Triffin Ungen	348 E. 51 <sup>st</sup> St.
Mrs. E. Gattler	348 E. 51 <sup>st</sup> St.
reynolds Blumhoff	346 E. 51 <sup>st</sup> St.
Mrs. J. Metzger	346 E. 51 <sup>st</sup> St.
Mrs. P. Grewant	346 E. 51 <sup>st</sup> St.
Mrs. Grueth	344 E. 51 <sup>st</sup> St.
Mrs. Selke	344 E. 51 <sup>st</sup> St.
Mrs. R. Hayman	342 E. 51 <sup>st</sup> St.
Mrs. F. Hayman	344 E. 51 <sup>st</sup> St.
Mrs. M. Goodman	342 E. 51 <sup>st</sup> St.
Mrs. J. Reinthal	336 E. 51 <sup>st</sup> St.
Mrs. J. Winterson	338 E. 51 <sup>st</sup> St.
Mrs. E. Boettcher	332 E. 51 <sup>st</sup> St.
Mrs. E. Bjerrum	330 E. 51 <sup>st</sup> St.
Mrs. L. Brinkhaber	328 E. 51 <sup>st</sup> St.
E. S. Moriarty	322 E. 51 <sup>st</sup> St.
Mrs. J. P. Boid	320 E. 51 <sup>st</sup> St.
Mrs. R. Myrdal	318 E. 51 <sup>st</sup> St.
Mrs. P. Hirsch	314 E. 51 <sup>st</sup> St.
Mrs. C. Moore	312 E. 51 <sup>st</sup> St.
J. Straus	312 E. 51 <sup>st</sup> St.
S. Hecker	312 E. 51 <sup>st</sup> St.
J. Levy	312 E. 51 <sup>st</sup> St.



1273

TORN PAGE

District Attorney's Office.

PEOPLE

vs.

Kenn —

By me ~~Thompson~~

Henry A. Farnum

Ed. McAlpin

to Edward

~~Thompson~~

Anchorup

Dr. Higgins

257

Place

5

1274

Mrs. M. Michaelis 323 E. 42 St.  
Mrs. Augusta Jacobs. 330 E. 43 St.  
Mrs. J. M. Giff 340 E. 42 St.  
Luisa M. 308 E. 42 St.

1275

Court of General Sessions of the Peace in and for the  
City and County of New York.

The People of the State of New York,  
against  
Michael Kane.

The Grand Jury of the City and County of New York,  
by this Indictment, accuse Michael Kane of the  
Crime of Maintaining a Public Nuisance, committed as  
follows: The said Michael Kane, late of the Nineteenth  
Ward of the City of New York, in the County of New York  
aforesaid, on the first day of November, 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,  
and near to the dwelling houses of divers citizens  
of our said State there situate and being, did  
unlawfully and injuriously make, set up, and  
place, and did cause and procure to be made, set  
up and placed, and on the day and in the year  
aforesaid, and on the said other days and times,  
at the Ward, City and County aforesaid, did and  
yet doth there and there unlawfully and in-  
juriously keep and maintain, and cause and  
procure to be kept and maintained, divers large  
heaps and collections of manure, excrement, offal  
and other putrid, decaying and offensive sub-



1276

stances and things, by reason of which said premises, divers noisome and unwholesome vapors, smells and stenches, on the days and times aforesaid, were and yet are emitted and issued therefrom, so that the air, on all the days and times aforesaid, was, and yet is, there, thereby greatly filled and impregnated with the said vapors, smells and stenches, and was rendered and became, and was and now is, thereby corrupted, offensive and unwholesome, and by reason whereof, the comfort, repose, health and safety of a great number of persons, there residing, were and yet are greatly annoyed, injured and endangered, to the great damage and common nuisance of all the good citizens of our said State, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity

Peter B. Olney, District Attorney.

1277

BOX:

156

FOLDER:

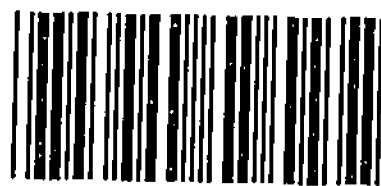
1604

DESCRIPTION:

Keegan, Joseph W.

DATE:

11/03/84



1604

Witness:

Thomas Foyan  
Officer for Carry

*Michael B.*

Counsel,

Filed *3*

day of

*Nov*

188 *4*

Pleads

*Not guilty*

THE PEOPLE

vs.

*P*

*Joseph W. Keegan*

*Defendant*

PETER B. OLNEY,

~~JOHN JACKSON~~

District Attorney.

*Deor/ps*

*Freely convicted*

A True Bill.

*See True Bill.*

*Deor/ps*

*And Macleay*

Foreman

*No. 8*

*Nov. 11/84*

1278



1279

The People } Court of General Sessions, Part I.  
Joseph W. Keegan. } Before Judge Gildersleeve.

Tuesday, December 2, 1884.

Indictment for grand larceny in the second degree.

Thomas J. Cryan sworn. What is your business? Liquor dealer at 479 Seventh Avenue and 69 South Street. Were you in charge of the store on the 25th of September last? Yes sir, at that time when the bar-keeper was at his dinner I was alone, the store is located on the ground floor, there are two rooms and in the rear a water closet. The front room is used for a bar. Had you ever seen the defendant before this day in question? I seen him once or twice before passing on the Avenue I knew his face. What part of the day was it that he came in with his companion? About ten minutes to four. There were three persons with him and I was behind the bar when he came in. The prisoner had his coat off and a rule in his hand and he asked me if I would oblige him with a two dollar bill for two single dollars? I said certainly. He had the two bills in his hand, he said he wanted to pay one of his men. I went to the back of the bar, there was nothing but three five dollar bills, I took out a roll of bills that I was after taking from the store, I gave him a two dollar bill and put the two single dollars back, I took the roll of bills out of my pocket in their presence and got the two dollar bill out of the package. I put the two single dollar bills with a hundred and with the three five dollar bills on the slab, the money I took out of my pocket, in their sight so that they could see. Two men happened to come in in the meantime, I waited on them and they went out. In about three or four minutes, one of those fellows came back. Then they went away, all of

1280

them? They went away all of them, the three. So one of the men came back, he asked me if I would allow his boss permission, meaning this gentleman, the prisoner, to put up a Cleveland and Hendricks sign. I said certainly, he went out and they all three came back. I said, I hope I will not require a permit for it. He said, O no, it will be a small sign, two or three feet by two, come here and I will show you. Of course I never dreamt of anything, I went outside the bar, I stepped outside the door and left the younger of the three back and three followed me to the door. Then Mr Keegan went outside the window and said, that's where I want the sign, he was measuring with the rule, he held me by the sleeve and pulled me over towards the butcher store more to the Avenue, to get me out of the way of the other two fellows, I had my eye on them at first. One of them slipped back behind the other fellow, I don't know what he done but the moment I went in I missed the money, I met the two fellows going out as I was going in, I went immediately behind the bar and I missed the money and it was not there, I went out I did not see any of them around, they were all gone and there was not a cent left but forty-five cents. I left Mr Geraties boy in charge of the store. I went down three or four blocks to see if I could see them, I did not see them, and I returned to the store, I knew I could not recover it afterwards; this happened at 479 Seventh Avenue. They did not put up the sign, they were to be back in five minutes.

Cross Examined. When did this larceny take place? About the 25th of September, ten or twelve minutes to four o'clock. What became of the other two men that were in

1281

the moment the two men came in? The two men came in and while they were speaking to me they went out immediately; they were respectable men from the next stables, Dave Singleton and Sullivan; they came in and had their beer and walked away again. It was the 25th of September that you missed this money? Yes sir, Thursday. Where was it you placed this money when you took it out of your pocket? On the marble slab at the back of the bar. Was there anything to prevent Dave Singleton or Sullivan from taking the money, you think they would not do it? I am sure of it because they went out about their business; they could not have done it because I was there all the time, I went out with these gentlemen for the space of forty or forty-five seconds. Would not that afford a sufficient opportunity for Singleton or Sullivan to take the money? I supposed it would if they were inclined to. Were they there at the time you went out? No sir, they were gone out three minutes ahead of these men. Singleton and Sullivan were not in the store when the defendant asked me for the change of the two dollars. I did not leave behind the bar until Singleton and Sullivan went out, it did not take them a minute to take their beer and just walk off. I was after taking my dinner, I took over the change with me in order that I might have it in my pocket in case I would want it, I got a hundred dollars. The slab was about six or seven feet from the bar and it was about twelve or sixteen feet to the end of the bar. The money was behind the bar when the three men came back. Keegan returned with the two. There is a side door to the saloon. Anybody might have come in and it is possible that they might have taken the money but I don't believe they had time. The jury rendered a verdict of guilty with a recommendation to mercy.



1282

Testimony in the  
Case of  
Joseph W. Keegan

filed Nov.  
1892

1283

2<sup>d</sup>

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.of No. 222 West 35<sup>th</sup> Street, Liquor Dealer, Thomas J. Coryanbeing duly sworn, deposes and says, that on the 25<sup>th</sup> day of September 1884at the day time in the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent with intent to deprive the true owner thereof,

the following property, viz :

good and lawful money of the  
United States, consisting of a  
number of notes or bank-bills  
of divers denominations and  
values, and being in all of  
the amount and value of  
One hundred and fifteen  
dollars

the property of

deponent and John J.  
Coryan, Co-partners

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 Joseph W. Keegan,

now here, for the reasons

following, to wit: That about

the hour of twelve P. M. of

said day the said deponent

and two other men entered

the liquor store of deponent

at 479 Seventh Avenue, they

being in Company together.

That said deponent asked

deponent for two single dollars

in exchange for a two dollars

1284

Bill. That defendant complied with  
 his request whereupon said defendant  
 and said other men went away.  
 That shortly thereafter said defendant  
 and said other men again entered  
 defendants store and the defendant  
 asked permission to put up a  
 Cleveland and Hendricks sign  
 outside of the window. That the  
 said defendant, asked defendant to  
 come outside and he would show  
 defendant the sign. That defendant  
 went out with him, leaving said  
 money on the marble slab behind  
 the car. That said defendant  
 kept defendant talking to him  
 on the sidewalk for a minute or  
 more while said other men were  
 inside the store. That said defendant  
 then said to defendant I will go and  
 get the sign, and he then went  
 away followed by said other men  
 and when defendant entered the  
 store immediately thereafter defendant  
 discovered the missing of said money.  
 That there were no other men  
 or persons in said store at said  
 time, except said defendant and  
 said two other men.

District Police Court.

THE PEOPLE, &c.  
 ON THE COMPLAINT OF

vs.

Dated

WITNESSES:

DISPOSITION

AFFIDAVIT  
 Subscribed and sworn to before me this

28 day of October 1904

J. M. Patterson

Magistrate

Police Judge

Thomas J. Bryan  
 - ~~Thomas J. Bryan~~ -



1285

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

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

Question. What is your name?

Answer

*Joseph W. Keegan*

Question. How old are you?

Answer

*26 years of age*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*252 West 26 St. 2 or 3 years.*

Question. What is your business or profession?

Answer.

*Bar Tender*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty*

*J. W. Keegan*

Taken before me this

day of

*October*

188

*45*

*John P. Utter* Police Justice

1286

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

*Joseph W. Keegan*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Two*  
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he  
give such bail.

Dated *October 20* 188 *J. M. Patterson* 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.

1287

Police Court--

2<sup>d</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mrs. J. Corzani  
222 West 55 St.  
Joseph W. Keisner

2

3

4

Officer L. W. Carey

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated October 28 1884

Pitterson Magistrate.  
John Carey Officer.

25 Precinct.

Witnesses Off Patrick Ryan  
No. Steambot Street.

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

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

\$ 1000 to answer Gen Sessions.

Conrad



1288

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Frederick W. Deagan*

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

*Frederick W. Deagan*

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

The said *Frederick W. Deagan*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *twenty-fifth* 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,

*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 twenty dollars, and of the value of twenty dollars *each*; *two* 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 ten dollars, and of the value of ten 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 five dollars, and of the value of five dollars *each*; *twenty* 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*; *thirty* 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*; *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 twenty dollars *each*; *two* 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 ten dollars *each*; *ten* 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, *and 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,

of the goods, chattels, and personal property of one *Thomas J. Deagan*

~~on the premises of the said~~

~~from the possession 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 M. OLNEY~~ District Attorney.

1289

BOX:

156

FOLDER:

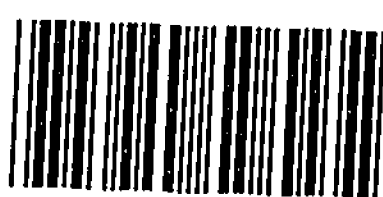
1604

DESCRIPTION:

Kelly, Patrick

DATE:

11/06/84



1604

Witnesses:

Quartermaster

Quartermaster

off. 22.22.22

Counsel,

Filed

day of

Nov

1884

Pleads

Indictment (17)

THE PEOPLE

vs.

P

Patrick Henry

Esq.

Hoffman

Burglary in the THIRD DEGREE,

Sections 498, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PETER B. OLNEY,

District Attorney.

Fried & Enacted R.

A TRUE BILL.

Walter Macleod

J. H. Lee

Foreman.

Wm. C. Lee

Wm. C. Lee

Wm. C. Lee

1290



1291

Police Court 2 District.City and County } ss.:  
of New York,Charles Morse  
of No. 1111 Broadway Street, aged 22 years,  
occupation Segar Clerk being duly sworndeposes and says, that the premises No 1111 Broadway Street,  
in the City and County aforesaid, the said being a Building and Hotel  
known as the Hoffman House in the 18 Ward of said  
City and which was occupied by deponent as a place for the storage of Segars  
and in which there was not at the time a human being, by nameBarker and  
were BURGLARIOUSLY entered by means of forcibly breaking the  
lock securing the door of a store  
room in the basement of said  
Hotel, at about the hour of 12 o'clock  
P.M.on the 30<sup>th</sup> day of October 1884 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:One box containing 25 Segars, in all  
of the value of five dollarsthe property of Cassius H. Reed and Edward S. Stokes, Co. Partners  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by  
Patrick Kelly, now here,for the reasons following, to wit: That deponent there  
caught said deponent coming  
out of the store room with said  
box of Segars in his possession; and  
deponent then discovered that the  
door of said store room - which  
deponent had closed and locked

1292

about ten minutes previous, had  
been forced open and the  
lock broken.

sworn to before me this } Chas Morse  
29<sup>th</sup> day of October 1884  
J. M. Patterson

Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

1293

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, { ss

2

District Police Court.

*Patrick Kelly*

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

Question. What is your name?

Answer

*Patrick Kelly*

Question. How old are you?

Answer

*32 years of age*

Question. Where were you born?

Answer

*London*

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

Answer

*Hoffman House, going on 7 years.*

Question. What is your business or profession?

Answer

*Wardroom cleaner*

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 admit taking the box of Regars, but I did not break the door of the store room. The door was broken and open when I went in.*

*Patrick Kelly*  
*Mark*

Taken before me this

*29*day of *October*

1884

*W. D. McCrea*  
Police Justice.



1294

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 Patrick Kelly

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten  
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 October 20 188 9 A. M. Patterson 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.

1295

Witnesses  
Charles Morse  
George Adams  
#29 the Prison

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

24

Police Court

2<sup>17</sup>/<sub>17</sub> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Morse  
111 Broadway  
Patrick Kelly

2

3

4

Dated October 31 1889

Geo. W. Adams Magistrate.

Geo. W. Adams Officer.

29 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$1000 to answer Gen. Sessions.

Comet

Offence Brawl  
and Carrying

1296

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Patricia Keely*

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

*- Patricia Keely -*

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows :

The said

*Patricia Keely*

late of the *Fifth* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *October* — in the year of our Lord one thousand eight hundred and eighty *seven*, with force and arms, at the Ward, City and County aforesaid, a certain *garage* building there situate, to wit: the *store room* of one *Carroll*

*W. Reed, —*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*- Carroll W. Reed, —*

in the said *store room* then and there being, then and there feloniously and burglariously to 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.



1297

SECOND COUNT.

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

*Patrick Kearney*

of the CRIME OF *Patrick* LARCENY —  
committed as follows:

The said *Patrick Kearney*

late of the *Eighth* Ward of the City of New York in the  
County of New York aforesaid, afterwards, to wit: on the said *twentieth* day of  
*October*, — in the year of our Lord one thousand eight hundred  
and eighty *four*, at the Ward, City and County aforesaid, in the *day*  
time of said day, with force and arms,

*twenty five reapers of the*  
*value of twenty cents each.*

of the goods, chattels and personal property of one *Carroll*  
*St. Read*, — in the *room* of  
*the said Carroll St. Read*  
there situate, then and there being found, in the *room* aforesaid, 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*  
*District Attorney*

1298

BOX:

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FOLDER:

1604

DESCRIPTION:

Klein, August

DATE:

11/19/84



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Filed 19 day of Nov  
Pleads *Chas. G. Smith* (20)

42817

# THE PEOPLE

vs.



August 28<sup>th</sup> 1891

21/6/12

Burglar, 5 Second Degree,  
Grand Larceny, 2nd Degree,

PETER B. OLNEY,

JOHN McKEON,

*District Attorney.*

## A True Bill.

Wm. Macleay

Dec 5/84 Foreman

Pls do not reproachfully  
entering a building

Per. One year.



1300

At a Court of Special Sessions of the Peace,

Held in and for the City and County of New York,  
at the Halls of Justice of the said City, on Tues day  
the 11<sup>th</sup> day of December in the year of  
our Lord one thousand eight hundred and eighty 3.

Present,

The Honorable

and

John B. Smith.  
J. Henry Ford  
James T. Kilbuck.

Police Justices of the City of New York,

Justices  
of the  
said Court.

THE PEOPLE OF THE STATE OF  
NEW YORK

vs.

Ernest Wagner.

Confession.  
On conviction by the oath of a credible wit-  
ness of the MISDEMEANOR of Petty  
Larceny. Property of  
Abraham Treich.

Committed in said City Dec 5<sup>th</sup> 1883

after having duly elected to be tried by said Court, and after having been duly arraigned and  
duly charged upon the said Misdemeanor, and having duly answered the same.

Whereupon it is ORDERED and ADJUDGED by the Court, that the said

Ernest Wagner.

for the MISDEMEANOR aforesaid, whereof he is convicted, be  
imprisoned in the PENITENTIARY of the City of New York, for the term of one year.  
Months.

A TRUE EXTRACT FROM THE MINUTES.

J. E. M. Wood Clerk.

1301

*Adm.*

New York Special Sessions of the Peace,

THE PEOPLE OF THE STATE OF  
NEW YORK

*Copy of Sentence.*

vs.

*Eugene Wagner.*

188

PENITENTIARY.

*one year*

~~MONTHS.~~

1302

FORM No. 1.

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

NEW YORK PENITENTIARY,

BLACKWELL'S ISLAND.

October 10, 1884,

This Certifies that Ernest Wagner  
age 29 years convicted of Petit Larceny  
on the 11th day of December 1883 at a term of the  
Court of Special Sessions of the Peace held  
in the said City and County, and sentenced to imprisonment for One year — month —,  
and fined \$ —, or — days further imprisonment, has this day been discharged by  
commutation for good behavior, pursuant to Chapter 25, Laws of 1875, having thereby earned a  
deduction from his term of sentence of — year Two months, — days. The said  
fine having been satisfied by —

John M. Pease  
Warden.



1303

STATE OF NEW YORK.  
CITY AND COUNTY OF NEW YORK

POLICE COURT—2—DISTRICT.

of No. 422 West 19th Street, being duly sworn, deposes andsays that on the 15th day of November 1884  
at the City of New York, in the County of New York, August Klein,

nowhere, did unlawfully enter  
a bed-room on the third floor  
of the Sturtevant House, 28th  
Street and Broadway, he having  
no right or business there,  
and with the intent to commit  
a larceny therein - all of which  
is in violation of Section 505  
of the Penal Code of the State  
of New York.

That deponent is the officer  
attached to said Sturtevant House  
and knows that said defendant  
is not a guest or employee of  
said House, and that he has  
no lawful right or business  
therein.

That deponent is now here informed  
by Thomas C. Blake that he,  
said Blake found said defendant  
within room 265 on the third  
floor of said House, with the  
door almost closed so that he  
could not be seen within; and  
deponent found him, said defendant,  
standing in the hall way close  
to said door and room.

Given & before me this 15th day of November 1884  
John Patterson Police Justice

1304

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas C. Blake  
aged 20 years, occupation Artist of No. Room 266 Stuyvesant House Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Robert N. Haight  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 15<sup>th</sup> day of November 1889 } Thomas C. Blake

Am. Patterson  
Police Justice.

1305

Sec. 198-200.

District Police Court.

CITY AND COUNTY { ss  
OF NEW YORK,

*August Klein* 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

*August Klein*

Question. How old are you?

Answer

*53 years of age*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*211 Chrystie St. 18 months*

Question What is your business or profession?

Answer

*Agent.*

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*  
*August Klein*

*The defendant further says  
that he demands a trial  
by jury at the Court of  
General Sessions*

*August Klein*

Taken before me this

*15<sup>th</sup>*day of *November**1884**W. M. Putnam*

Police Justice.



1306

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 *August Klein*

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

Dated *Nov. 15* 188 *4* *J. M. Patterson* 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.

1307

155  
Ordered 2 1748  
Police Court-- District:

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Jacob N. Haight  
422 W. 17<sup>th</sup>  
Agent Klein

Offence (Violation Sec.  
545 Penal Code)  
Misdemeanor

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated November 15<sup>th</sup> 1884

Magistrate.  
C. Gillespie Officer.

29 Precinct.

Witnesses Mrs. C. Blake

No. 100 to answer Gen. Sessions.

Boyd & 28 St.

No. .... Street,

No. .... Street.

\$ 500. to answer Gen. Sessions.

Comm

1308

LAW OFFICE  
OF  
GEO. B. MORRIS,  
23 Park Row, Rooms 31 & 32,  
NOTARY PUBLIC, Commissioner for Massachusetts,

New York, Oct 17. 1884

Hugh Denny Esq.

Dear Sir: I am suddenly  
called to New Orleans &  
start to night.  
The case of People vs.  
J. B. Leonard is set down  
for the 27<sup>th</sup> of Oct.  
Will you kindly put it  
over till November till I  
return. Say November 10<sup>th</sup>.  
Yours truly  
Geo. B. Morris.

Please write & address me  
Geo. B. Morris.  
Vicksburg  
Miss.

as I shall be there more than  
anywhere else. I would call



1309

and see you but am in great  
hurry.

13 10

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*August Stein*

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

of the CRIME OF BURGLARY IN THE *Second* DEGREE, committed as follows:

The said *August Stein*

late of the *21st* Ward of the City of New York, in the County of New York  
aforesaid, on the *22nd* day of *November*, in the year of our Lord one  
thousand eight hundred and eighty-*four*, with force and arms, about the hour  
of *two* o'clock in the *day* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of *one Edward*  
*S. Ireland*

there situate, feloniously and burglariously did break — and enter,

whilst there was then and there some human being, to wit, one *Thomas*  
*C. Ireland*, — within the said dwelling house, the said

*August Stein*

then and there intending to commit some crime therein, to wit: the goods chattels and  
personal property of *the said Edward S. Ireland*  
— in the said dwelling house then and there being, then and there  
feloniously and burglariously to 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.

1311

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said *August Klein* of the Crime of GRAND LARCENY IN THE FIRST DEGREE, committed as follows:

The said *August Klein*

late of the Ward, City and County aforesaid, afterwards, to wit: on the said *25th* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, in the time of said day, with force and arms, *stole* *goods, chattels and personal property, a description of which is to be found in the indictment* and carried away the same, of the value of *two hundred and fifty dollars*.

of the goods, chattels and personal property of one *Charles S. Standish* in the dwelling house of *the said Charles S. Standish*, there situate, then and there being found in the dwelling house aforesaid, 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.



13 12

Third COUNT.

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

August Stein  
of the CRIME OF Unlawfully entering a dwelling  
committed as follows:

The said August Stein  
late of the 21st Ward of the City of New York, in the County of New York, on the  
27th day of March, in the year of our Lord one thousand  
eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms,  
a certain room, being a part of a certain  
dwelling of one Thomas S. Deland, there  
situated, then and there unlawfully  
did enter, with intent to steal, take and  
convert to his own use and property of the said Thomas S. Deland  
in the said room, then and there  
situated, then and there  
unlawfully to 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.

Robert B. O'Connell

District Attorney

13 13

BOX:

156

FOLDER:

1604

DESCRIPTION:

Knanber, John C.

DATE:

11/26/84



1604

13 14

*Witness  
John C. Dumber*

*1-23*

Counsel,  
Filed *24* day of *Nov* 188*4*  
Pleads

*John C. Dumber*  
THE PEOPLE  
INDICTMENT.  
Grand Larceny in the  
(MONEY)  
degree.

PETER B. OLNEY,  
JOHN WATSON

District Attorney.

A True Bill.

*Hand Macclay*

*Pleads Guilty Foreman  
May 28 1884  
Ed. W. P. 72*



13 15

Police Court

First

District

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No.

49 1/2 Division

Milliner Store

Street, aged 48 years,

occupation

being duly sworn

deposes and says, that on the

12<sup>th</sup>

day of

November

188

at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United States consisting of Gold and silver coins and Bank Notes altogether of the value of One Hundred and Fifty Dollars one ladies gold watch of the value of Fifty Dollars one gold watch chain of the value of Fifteen Dollars altogether of the value of Two Hundred Dollars and one Gold lead pencil

the property of

Deponent

Sworn to before me, this 12<sup>th</sup> day of November 1888  
Police Justice

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

John K. Knanber (nowhere) from the fact that deponent had the aforesaid money and property locked up in a box in a room on the second floor of the above premises and deponent found the aforesaid box broken open on the attic or top floor and the aforesaid property taken stolen and carried away from said box and there was no other person had recourse to the said room where said box was and deponent was informed by Officer John Reed of the 7<sup>th</sup> Precinct Office that he found the aforesaid Gold lead pencil in defendant's possession and deponent identified the said lead pencil as a portion of the property taken stolen and carried away as aforesaid

John K. Knanber

13 16

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation John J. Jones of No. Police Officer

Seventh Avenue Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John K. Hunter

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 20  
day of Nov 1885

John J. Jones  
P. J. Murphy  
Police Justice.

1317

Sec. 100-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*John C. Knauer* 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

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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 guilty*

*John C. Knauer*

Taken before me this  
day of *March* 1888  
*[Signature]*  
Police Justice.



13 18

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 he be admitted to bail in the sum of ten  
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 Nov 20 188 W. C. Murphy 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.

1319

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court-- *Foot* District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Kumber*  
*49 1/2 Division St*

*John Kumber*

NOV

24

1884

Dated *Nov 20* 188

*Duffy* Magistrate.

*Orud + Leary* Officer.

*7th* Precinct.

Witnesses *All the Officers*

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

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

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

\$ *1000* to answer \_\_\_\_\_ Sessions.

*Grand Jury*





1321

BOX:

156

FOLDER:

1604

DESCRIPTION:

Kroupa, Thomas

DATE:

11/19/84



1604

Witnesses:  
Michael C. Metzger

50

W. F. Howe

**Counsel,**

Filed 19 day of Nov 1884

Pleads *Motley*

# THE PEOPLE

us.

Thomas Drompa  
[3 cases]

PETER B. OLNEY,

*District Attorney.*

# A True Bill.

Attest: *Wm. J. McCreary*  
 Dec 8 1874 Foreman

## Foreman

Repaid to Family of Duke  
 of Devon 7/10. Committed  
 April. \$100. Committed  
 until paid money for  
 each dollar.

12

**Assault in the First Degree, etc.** [Sections 217 and 218 Penal Code].

1322

1323

Dr. AUG. KREIBEL,  
64 Seventh St.

This is to certify, that Mr.  
Charles Bernhart is unable to  
appear at the court, - in  
consequence of the injuries  
he received. -

Aug. Kreibel M.D.  
New York 31. 10. 84.



1324

New York Hospital,

West Fifteenth Street,

New York, Oct. 27 1884

This is to certify that Chas.  
Bernhardt was brought to this  
hospital in our ambulance about  
1 a.m. Oct. 26<sup>th</sup> suffering from  
an incised wound of the left  
wrist an incised wound of the  
scalp and a very severe incised  
wound of the neck about six  
inches long running from the  
right ear backward to the median  
line. He was dressed and advised  
to keep as quiet as possible until  
wounds healed -

Very respectfully  
E. S. Phelps, M.D.  
Sen. Asst. Surgeon

1325

Dr. Aug. Brehmel,

64 SEVENTH ST.,

NEW YORK.

Office Hours:

9 A. M.

3 P. M. } Except Sundays.

7 P. M.

N. Y.

188

This is to certify, that  
Mr. Charles Bernhart is  
unable to appear at the  
court - in consequence  
of the injuries he received

Aug. Brehmel M.D.

R New York 5. 11. 85

1326

Police Court—<sup>9<sup>d</sup></sup> District.

CITY AND COUNTY OF NEW YORK, } ss.

of No. 542 East 6th Street,

48 yrs Carnegie trimmer being duly sworn, deposes and says, that

on Saturday the 25th day of October

in the year 1884 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Thomas Krupa (now Lee)  
who willfully cut and stabbed  
deponent on the head and neck  
several times with a knife then  
held in his hand

and  
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 10<sup>th</sup> day  
of November 1884

Charles Bernhard

Sam Patterson

POLICE JUSTICE.



1327

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss

District Police Court.

*Thomas Kroupa* 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

*Thomas Kroupa*

Question How old are you?

Answer

*39 years*

Question Where were you born?

Answer

*Austria*

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

Answer

*506 Sixth Street, Ed about 1 1/2 years*

Question What is your business or profession?

Answer

*Liquor business*

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*

*Thomas Kroupa*

Taken before me this

*10th*

day of *April* 188*8*

Police Justice.

1328

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 Thomas Kroupa

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifteen 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 Nov 13<sup>th</sup> 188 J M O'Brien 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.

1329

Police Court--

2nd District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Remond  
542 E. 62

Thomas Karpis

2

3

4

Office of the  
Prosecutor

Dated November 10 188

Patterson Magistrate.

Robert H. Hall Officer.

14 Precinct.

Witnesses Michael Guntz

No. 76 2nd St. Street.

Kerry Guntz

No. 76 2nd St. Street,

Anton Straub

No. 92 E 4 St. Street.

\$ 1500 to answer G. S. Sessions.

Ed by court

Nov 13 10. A. M.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



1330

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Trump

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

Thomas Trump

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

The said Thomas Trump

late of the City of New York, in the County of New York aforesaid, on the twenty-third day of October, in the year of our Lord one thousand eight hundred and eighty-eight, with force of arms, at the City and County aforesaid, in and upon the body of one Philip Strand in the peace of the said People then and there being, feloniously did make an assault and ruin the said Philip Strand, with a certain knife

which the said Thomas Trump, in his 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 ruin the said Philip Strand, thereby 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

Thomas Trump

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

The said Thomas Trump

late of the City and County of New York, on the twenty-third day of October, in the year of our Lord, one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, in and upon the body of one Philip Strand, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and ruin the said Philip Strand,

with a certain knife

which the said Thomas Trump, in his right hand then and there had and held, the same being a instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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. O'Brien  
District Attorney

Witnesses:

~~Philip H. Thompson~~

Philip H. Thompson

158  
W. F. F. G. W.

Counsel,

Filed 19 day of Nov 1882

Pleads

W. F. F. G. W.

THE PEOPLE

vs.

P

Thomas Thompson  
[Sealed]

Assault in the First Degree, etc.  
[Sections 217 and 218 Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

W. F. F. G. W.

Foreman.

1331

1332

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Thompson

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

Thomas Thompson

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

The said Thomas Thompson,

late of the City of New York, in the County of New York aforesaid, on the twenty-seventh day of October, — in the year of our Lord one thousand eight hundred and eighty-four, with force of arms, at the City and County aforesaid, in and upon the body of one Charles Bernhard, — in the peace of the said People then and there being, feloniously did make an assault and ruin the said Charles Bernhard, — with a certain knife —

which the said Thomas Thompson, — in his 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 ruin the said Charles Bernhard, — thereby 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

Thomas Thompson

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

The said Thomas Thompson,

late of the City and County of New York, on the twenty-seventh day of October, in the year of our Lord, one thousand eight hundred and eighty-four, at the City and County aforesaid, with force and arms, in and upon the body of one Charles Bernhard, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and ruin the said Charles Bernhard, —

with a certain knife.

which the said Thomas Thompson, — in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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.



1333

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
~~Thomas Thompson~~  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said ~~Thomas Thompson~~  
late of the City County of New York, on the ~~twenty~~ <sup>22</sup> day of ~~October~~ <sup>November</sup>,  
in the year of our Lord one thousand eight hundred and eighty-~~four~~ <sup>seven</sup>, at  
the City and County aforesaid, with force and arms, in and upon the body of one  
~~Charles B. Bunker~~,  
in the peace of the said People then and there being, feloniously, did wilfully and  
wrongfully make an assault, and ~~in~~ the said ~~Charles~~

~~Bunker~~, —

in and upon the ~~head and neck~~ of ~~him~~ — the  
said ~~Charles B. Bunker~~, — did then and there  
feloniously, wilfully and wrongfully strike, beat, ~~stab, cut,~~ —  
bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully  
inflict upon ~~him~~ the said ~~Charles B. Bunker~~, —  
grievous bodily harm, to the great damage of the said ~~Charles B. Bunker~~,  
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

Witnesses:

Charles Sumner

162

KKK

Counsel,

Filed

19 day of

1884

Pleads

Portguthy-co

THE PEOPLE

vs.

I

Thomas Brown

[Sealed]

Assault in the First Degree, etc.  
[Sections 217 and 218 Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

And enclosed

Foreman.

1334

1335

New York December 11<sup>th</sup> 1884

Hon Harry A. Gildersleeve,  
Dear Sir,

We the undersigned citizens and petitioners do most respectfully petition and pray you in behalf of Thomas Kroupa now in prison, having been charged with felonious assault &c and who pleaded guilty to the charge, before your Honor on the 8<sup>th</sup> inst, that you would take his case in kind consideration and deal leniently with the prisoner in pronouncing sentence as he has hitherto borne a good moral character and has been of good standing in the community, your Honor will doubtless recollect that the circumstances surrounding the case are such as would tend to lighten greatly the apparent offence.

The prisoner has already been imprisoned nearly two months, which fact we earnestly hope will lead you to mitigate his sentence. we would further state that many of us were present in the saloon when the occurrence took place associated in a friendly spirit, and many being flushed with wine engaged



1336

in a political dispute, which finally ended  
in the unfortunate occurrence with which  
the prisoner is charged.

We conscientiously and firmly believe  
that the imprisonment so far suffered  
will be a serious warning to him in  
the future, and we know that he  
will never be charged with any  
offence or be engaged in any  
affray, again.

Most Respectfully,  
We are,

Harry Dugro,  
Peter Keller

Edw. J. Messmer M.D.

Alfred Stockler

Chas. Schaub

M. J. B. Messmer M.D.

Jos. H. Fooker, 38 Vesey St.

RECEIVED JOB PRINT

1337

Police Court—2nd District.

CITY AND COUNTY  
OF NEW YORK

of No.

Philip Straub, aged 35 years  
Muesan  
92 East 14th Street,

being duly sworn, deposes and says, that  
on Saturday the 25 day of October

in the year 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Thomas Krupa (nowhere)

who cut and stabbed deponent

in the face with a knife he

held in hand.

and  
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  
of October

27 day  
1887

Philip Straub

A. M. Patterson POLICE JUSTICE.

1338

Sec. 198-200.

2nd.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss

Thomas Krupa 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 Thomas Krupa

Question. How old are you?

Answer 40 years

Question. Where were you born?

Answer Austria

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

Answer 506. 6<sup>th</sup> Street 20 years

Question. What is your business or profession?

Answer liquor business

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 What ever I did, I don't in self defenseThomas Krupa

Taken before me this

27

day of October 1888

W. M. Dutton

Police Justice.



1339

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

*Thomas Krupa*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Fifteen*  
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 *Nov. 13<sup>th</sup>* 188 *4* *J. M. Patten* 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.

1340

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court-- 2. District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Philip Straub.*  
*92 E. 4<sup>th</sup>*

1 *Thomas Krupa*

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *Oct 27/84* 188 *✓*

*Patterson* Magistrate.

*Hall* Officer.

17 Precinct.

Witnesses *Ed Oct 31/84*

No. *2 1/2 P. M.* Street.

*Adjd. by Consent on Motion*  
*of deft. to November*  
*5/84 at 2 1/2 P. M.*

*Adjd. by Consent of deft.*  
*to November 10/84 at*  
*10 A. M. Adjd. to Nov.*

*13/84 at 10 A. M.*  
*1500. Ans. G. B. Comd*

*fel. assault.*  
*Offence*

1341

Police Court—2<sup>nd</sup> District

CITY AND COUNTY  
OF NEW YORK

Michael E. Guntzer aged 20 years  
Italian  
of No. 46 2<sup>nd</sup> Avenue Street,

being duly sworn, deposes and says, that  
on Saturday the 25 day of October  
in the year 1888 at the City of New York, in the County of New York,  
he was violently and feloniously ASSAULTED and BEATEN by

Thomas Krupa (now here)  
who cut and stabbed deponent  
in the face with a knife he held  
in his hand

with the felonious intent to take the life of deponent, <sup>and</sup> 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 27 day of October 1888 Michael E. Guntzer

J. M. Patterson POLICE JUSTICE.



1342

Sec. 198-200.

*2nd*

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

*Thomas Kroupa* 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

*Thomas*

Question. How old are you?

Answer

*40 years*

Question. Where were you born?

Answer.

*Austria*

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

Answer.

*506, 6th Street 20 years*

Question. What is your business or profession?

Answer.

*Liquor business*

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.

*What ever I did I done in self defence,*

*Thomas Kroupa*

Taken before me this

day of

*October*

188*8*

*James M. Utter*

Police Justice.

1343

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

Thomas Krupa  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifteen  
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 Nov. 13 1884 J. M. Patterson 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.

E. H. G.

1344

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court-- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael L. Hunter  
vs. John  
Thomas Krupa

2  
3  
4

Offence  
Assault

Dated Oct 27 1884

Patterson Magistrate.  
Hall Officer.

1500 17 Precinct.

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

Adjudged Consent, to  
November 5/84  
at 2 1/2 P.M. on  
(Motion of Dept. Street,  
Adjudged Consent of Sessions.  
Dept. to Nov. 15/84  
at 10 A.M. adjd to  
Nov. 13/84 at 10 A.M.



1345

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Dranga*

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

*Thomas Dranga*

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

The said *Thomas Dranga*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty-third* day of *October*, — in the year of our Lord one thousand eight hundred and eighty *four*, with force of arms, at the City and County aforesaid, in and upon the body of one *Michael C. Guntz*, — in the peace of the said People then and there being, feloniously did make an assault and *in* the said *Michael C. Guntz*, — with a certain *knife*. —

which the said *Thomas Dranga*, — in *his* 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 *in* the said *Michael C. Guntz* thereby 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

*Thomas Dranga*

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

The said *Thomas Dranga*,

late of the City and County of New York, on the *Twenty-third* day of *October*, in the year of our Lord, one thousand eight hundred and eighty- *four*, at the City and County aforesaid, with force and arms, in and upon the body of one *Michael C. Guntz*, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *Michael C. Guntz*, — with a certain *knife*. —

which *he* the said *Thomas Dranga*, — in *his*, — right hand then and there had and held, the same being an *instrument* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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. O'Leary*  
*District Attorney*