

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 8th day of February in the year of our Lord, one thousand nine hundred and Forty-three, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Jacob Petrushansky Residence 556 W. Conway St.

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of Rel. Own Recognizance dollars current money of the United States, the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Jacob Petrushansky,

do and shall well and truly make h^{is} personal appearance before the Criminal Court of Baltimore, held at the Court House in the City of Baltimore, When Summoned

then and there to answer unto all such things as shall be alleged against h^{im}, and particularly for Unlawfully, Wilfully, having an insanitary Condition, to wit a choked sewer in the cellar at Premises 2501 Salem St.

on or about the 1st day of February, 1943, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

Health Dept. Summons.
Traverser paid for a jury trial.

John H. Stanford (Seal)
Police Justice for the Northern District.

State of Maryland, **IN S 300**
City of Baltimore, to wit:

JWC

I, Rel. Own Recognizance

hereby apply to become recognizer for
Jacob Petrushansky
556 W. Conway St.

I own and offer as security the following prop-
erty: No. _____

It is in fee-leasehold being subject to the an-
nual ground rent of _____ dollars.

My interest therein is absolute and undivided,
or is _____

the value of which is _____ and is subject
to the following mortgages, incumbrances and
other recognizances: _____

The taxes are paid up to and including those
for the year 19_____

Address _____

Sworn to this _____ day of

Feb 1943, before me.
John H. Raymond J.P. [SEAL]

Police Justice for the Northern District.

30

No 813 No 531

STATE
vs.

Jacob Petrushansky

Charge Health Dept. Violation.

WITNESS

Off. William Harriman N.D.

Milton Friedman

Sanitary Inspector

Health Dept.

Armedia Contee Col.

Benjamin Contee Col.

2501 Salem St.

Albert Covington Col.

2501 Salem St.

PRESENTED

FEB 10 1943
Harriet H. Crosser
Assistant Foreman

Filed

FEB 9 - 1943

CRIMINAL COURT OF BALTIMORE

JANUARY TERM, 1943.

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greeting:

RECEIVED AT
SHERIFF'S OFFICE

We command you that you take the body of

Jacob Petruschansky

and *his*

immediately have before the Court here to answer a presentment for

Viol Health Law

FEB 10 1943 12 54 PM

WITNESS the Hon. Samuel K. Dennis, Chief Judge of the Supreme Bench of Baltimore City, the 11th day of Jan., 1943.

Issued the

10

day of

Feb

1943.

EDWARD GROSS,

Clerk Criminal Court of Baltimore.

43
544
39.

531

11

STATE OF MARYLAND

vs.

Jacob... Petruschansky
556 W Conway St
CAPIAS.

TAKE BAIL IN \$ 300

R.P.

J. N. U
JUDGE.

Open Policy

Joseph Frame
3613 Wabash Ave

21,600
fee

mortg 10,500

2/11/43 \$300

CEPI... On Bail

Joseph C. Deegan... SHERIFF
FEB 12 1943

FILED.....

8

~~State of Maryland~~

SECOND COUNT.

~~City of Baltimore, to wit:~~

The Jurors of the State of Maryland, for the body of the City of Baltimore, do on their oath present

that JACOB PETRUSHANSKY,

late of said city, on the 1st day of February,, in the year of our Lord

nineteen hundred and forty-three, Article

Sixteen of the Baltimore City Code of the year of our Lord nineteen

~~the Mayor and City Council of Baltimore theretofore enacted and adopted~~

hundred and twenty-seven, as amended by Ordinance number Three hundred

and eighty-four of the Mayor and City Council of Baltimore, passed and

approved on the sixth day of March, in the year of our Lord nineteen

hundred and forty-one, being then and there the owner of a certain

dwelling house in said City fronting on Salem Street, to wit, number

Twenty-five hundred and one Salem Street, in said City, unlawfully did

fail to keep said premises clean and free from an accumulation of

dirt, filth, rubbish and similar matter,

against the form of the ordinance in such case made and provided, and against the peace, government and dignity of the State.

The State's Attorney for the City of Baltimore.

3/3/1943

Take Bill in the name

of 300.00

in Release in his

Own Recog

Apparal

2 NO

43

954

69

Jacob Petrushansky
536 W. Conway St

Own Recog

3/3/43 \$300.

HF-3-25-79

(CW)

S

2/18/43 - 2/19/43 - 2/20/43 - 2/21/43 - 2/22/43 - 2/23/43 - 2/24/43 - 2/25/43 - 2/26/43 - 2/27/43 - 2/28/43 - 2/29/43 - 2/30/43 - 3/1/43 - 3/2/43 - 3/3/43 - 3/4/43 - 3/5/43 - 3/6/43 - 3/7/43 - 3/8/43 - 3/9/43 - 3/10/43 - 3/11/43 - 3/12/43 - 3/13/43 - 3/14/43 - 3/15/43 - 3/16/43 - 3/17/43 - 3/18/43 - 3/19/43 - 3/20/43 - 3/21/43 - 3/22/43 - 3/23/43 - 3/24/43 - 3/25/43 - 3/26/43 - 3/27/43 - 3/28/43 - 3/29/43 - 3/30/43 - 3/31/43

531

STATE OF MARYLAND

1/2/1943 *sent to abandoned*

JACOB PETRUSHANSKY

Jacob Kartman

2/19/43 - Post

Indictment.

(TRUE BILL)

Henry J. Conner, Foreman.
Assistant

Filed

WITNESSES:

- Off. Harriman
- Milton Friedman
- Arnedia Contee
- Benjamin Contee
- Albert Covington
- Dr. Schulz

3/3/43

W G
Law Curran

VIOLATION OF ORDINANCE

Balto. City Code, Art. 16, Sec. 384, No. of 1927

3/8/1943 *Lim 150% on Gate*
Drawn by *Wappeler to let a Appraiser*

O. K. *[Signature]*

O. K. *[Signature]*

7/26/1943 *Mandate for let of Appraiser*
7/26/1943 *Travelling Sec two*

531

Criminal Court of Baltimore

Bail

PART 2

PART

19

Joseph Frame	sd	sd			3613 Nabash Ave
Jacob Petruschansky	sd	sd			556 W. Conway St.
Dr. Schultz	sd	sd			Health Dept. Municipal
Off. Wm. Harriman	sd	sd			W. D.
Milton Friedman	sd	sd			Sanitary Div, Health Dept. ^{municipal} _{city}
Armedia Bouteer	sd	sd			250 Salmon St.
Benjamin de	sd	sd			do do
Returnable	19	2			

Returnable

Mar Feb

to testify for

State vs. Jacob Petruschansky.

TO THE SHERIFF OF BALTIMORE CITY.

EDWARD GROSS, Clerk

EDWARD CROSS' CASE

RECEIVED AT
SHERIFF'S OFFICE

FEB 16 1943 10 21 AM

RECEIVED AT
SHERIFF'S OFFICE

FEB 26 1943 11 31 AM

TO THE SHERIFF OF BUTTE COUNTY
to testify for

Edmund

JOE JOSE

Clipping Court Reporter

100

221

SUMMON the following additional witnesses for STATE VS.

Joseph Petruschewsky
#531

~~Dr. Schulz, Batts. City Health Dept, Municipal Bldg,~~

To EDWARD GROSS, Esq.,

Clerk Criminal Court

J. Bernard Hill
J.B.H.

State's Attorney.

STATE OF MARYLAND

:

IN THE

VS.

:

CRIMINAL COURT OF

JACOB PETRUSHANSKY

:

BALTIMORE CITY

:

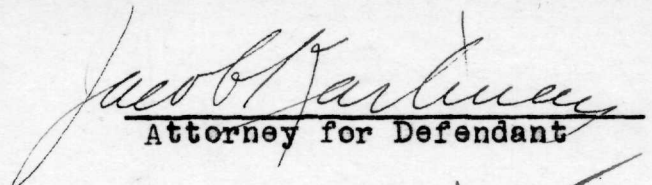
PART 2

::::

Mr. Clerk:

Please issue summons for the following witness to testify for the Defendant, and make the same returnable before his Honor, Judge O'Dunne, Part 2, on Friday, February 19th, 1943, at 10 A. M.:

W. R. Parker, 2103 Allendale Road


Attorney for Defendant

FEB 18 1943

531
1943

Alto

vs

James Peterborough

TO V. M.:

MR. CLARK:

Nov 27 1943

STATE OF MARYLAND
VS.
JACOB PETRUSHANSKY

: IN THE
: CRIMINAL COURT OF
: BALTIMORE CITY
: PART 2 - #531
: : : :

Now comes Jacob Petrushansky, traverser, by Jacob Kartman, his attorney, and demurs to the indictment and each and every count thereof, and for cause of demurrer says:

1. That said indictment, and each and every count thereof, are bad in substance and insufficient in law;
2. That the first count of the indictment fails to set forth with clarity and precision the violation with which the traverser is charged;
3. That the ordinance on which said indictment and each count thereof are founded is vague and indefinite, and fails to set forth the acts of omission which constitute the alleged crime.
4. That the second count of the said indictment fails to allege any matter which constitutes a crime under the said ordinance therein mentioned.

And for other reasons to be assigned at the hearing hereof.

Jacob Kartman

Attorney for Traverser

*Service admitted
2/17/42
R. Jordan*

531/1943

IN THE CRIMINAL COURT OF
BALTIMORE CITY

STATE OF MARYLAND

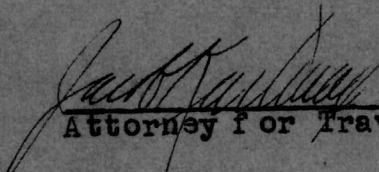
VS.

JACOB PETRUSHANSKY

DEMURRER

Mr. Clerk:

Please file.


Attorney for Traverser

LAW OFFICES
MAKOVER & KARTMAN
525 BALTIMORE TRUST BUILDING
BALTIMORE, MD.

Filed - Feb 19/1943

Pf. 0665

STATE OF MARYLAND

:

IN THE

VS.

:

CRIMINAL COURT OF

JACOB PETRUSHANSKY

:

BALTIMORE CITY

:

PART 2 - #531

::::

Now comes Jacob Petrushansky, traverser, by Jacob Kartman, his attorney, and demurs to the indictment and each and every count thereof, and for cause of demurrer says:

1. That said indictment, and each and every count thereof, are bad in substance and insufficient in law;

2. That the first count of the indictment fails to set forth with clarity and precision the violation with which the traverser is charged;

3. That the ordinance on which said indictment and each count thereof are founded is vague and indefinite, and fails to set forth the acts of omission which constitute the alleged crime.

4. That the second count of the said indictment fails to allege any matter which constitutes a crime under the said ordinance therein mentioned.

And for other reasons to be assigned at the hearing hereof.

Jacob Kartman
Attorney for Traverser

Exp. 1/31/31

Jacob Petrushansky

Exp. 1/31/31

Page 531 / 1843

Stat

7th

Jacob Petruschansky

traveller is charged;
set forth with clarity and precision the violation with which the
S. That the first count of the indictment fails
thereof are bad in substance and insufficient in law;
I. That said indictment, and each and every count
every count thereof, and for cause of demurrer says:

Demurrer to
Indictment

Now comes Jacob Petruschansky, traveller, by Jacob
Kartman, his attorney, and demurs to the indictment and each and
each and every count thereof, and for cause of demurrer says:
traveller is charged;
set forth with clarity and precision the violation with which the
S. That the first count of the indictment fails
thereof are bad in substance and insufficient in law;
I. That said indictment, and each and every count
every count thereof, and for cause of demurrer says:

Recd
Feb. 19. 1904

STATE OF MARYLAND

VS.

JACOB PETRUSHANSKY

Ind 531

:

:

:

:

::::

IN THE

CRIMINAL COURT OF

BALTIMORE CITY

Part 2

Mr. Clerk:

Please issue summons for the following witness to testify for the Defendant, and make the same returnable before his Honor, Judge O'Dunne, Part 2, on Tuesday, March 2nd, 1943, at 10 A. M.:

W. R. Parker, 2103 Allendale Road

Jacob Petrushansky
Attorney for Defendant

MAR 1 - 1943

531

1943

State

W

James Petruschewsky

Filed Jan 1/1943

STATE OF MARYLAND : IN THE
VS. : CRIMINAL COURT OF
JACOB PETRUSHANSKY : BALTIMORE CITY
: Indictment #531/1943
: : : :
: : : :

Mr. Clerk:

Enter an appeal to the Court of Appeals on behalf of Jacob Petrushansky, defendant.

Jacob Kartman
Attorney for Defendant

STATE OF MARYLAND, CITY OF BALTIMORE:

On this 11th day of March, 1943, personally appeared before me, a Notary Public of the State of Maryland, in and for Baltimore County, Jacob Petrushansky, the defendant, and Jacob Kartman, attorney for the defendant, and made oath in due form of law that the appeal to the Court of Appeals in the above entitled case is not taken for the purpose of delay.

Nancy Parlar
Notary Public



531/1943 ✓

IN THE CRIMINAL COURT OF
BALTIMORE CITY

Indictment #531/1943

STATE OF MARYLAND

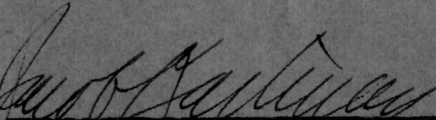
VS.

JACOB PETRUSHANSKY

APPEAL AND AFFIDAVIT

Mr. Clerk:

Please file.


Attorney for Defendant

LAW OFFICES
MAKOVER & KARTMAN
525 BALTIMORE TRUST BUILDING
BALTIMORE, MD.

MAR 11 1943

531/1943



TRANSCRIPT OF TESTIMONY
IN THE MATTER OF

STATE OF MARYLAND

IN THE

CRIMINAL COURT

vs.

OF

BALTIMORE

JACOB PETRUSHANSKY

~~ABRAHAM LINCOLN~~

March 2, 1943

OPINION OF COURT

Given Nov 2/1943



SIDNEY SALZMAN
OFFICIAL COURT REPORTER
(Stenotypist)
COURT HOUSE
BALTIMORE, MARYLAND

STATE OF MARYLAND : IN THE
 : GRIMINAL COURT
 vs : OF
 :
 JACOB PETRUSHANSKY : BALTIMORE
 :
 Indictment No. 531/1943

~~STATE OF MARYLAND : IN THE~~
 ~~: GRIMINAL COURT~~
~~vs : OF~~
 ~~: BALTIMORE~~
~~ABRAHAM LEWIN : BALTIMORE~~
 ~~: BALTIMORE~~
Indictment No. 516/1943

Baltimore, Maryland

March 2, 1943

BEFORE HON. JOSEPH N. ULMAN, JUDGE

Without a jury

Appearances:

Bernard G. Peter, Thomas N. Biddison, and Douglas N. Sharretts, Assistant State's Attorneys, on behalf of the State.

Jacob Kartman, Attorney on behalf of the defendant Petrushansky.

~~R. Lewis Bainter, Attorney on behalf of the defendant Levin.~~

OPINION OF COURT

ULMAN, J.:

In a forceful argument, counsel for defendant has reiterated the points made before this court in the argument and briefs in the Givner, -- and to a lesser degree in the Kalavan, -- case.

Counsel in the present case has urged the further point that the title of Ordinance number 384 of March 6, 1941, is insufficient, deceptive, and misleading. In view of the decisions of the Court of Appeals of Maryland, this contention is not lightly to be brushed aside. The title of the ordinance in question not only designates that six new sections are to be added to Article 16 of the Baltimore City Code of 1927, but provides, in a general way, the content of said new sections, and authorizes the Commissioner of Health of Baltimore City to issue orders compelling compliance with said provisions. The title of the ordinance then continues with the following language:

"***or to correct the condition at the expense of the property owner, and charge the property with a lien, to the extent of the necessary expenses."

Upon examination of the ordinance, it is found that Section 156-H makes the further provision that violators of the ordinance or of orders or regulations adopted in pursuance of it shall be guilty of a misdemeanor and subject to a fine.

It is obvious that there is nothing in the title of the

ordinance referring directly to said Section 156-H. Thus it has been and may with force be argued that this section of the ordinance imposing a penal sanction, is not sufficiently designated in the title. But, it is to be observed that the concluding words in the title of the ordinance quoted above, providing for the correction of violations at the expense of the property owner, are connected with the earlier part of the title by the disjunctive conjunction "or".

It is therefore the view of this court that the words in the title following this disjunctive conjunction are to be regarded as the creation of an alternative sanction. The question remains:—"alternative to what?" I think the answer to this question is that the earlier part of the title which requires that certain things be done in order to keep the premises in good repair, fit for human habitation, and authorizing the Commissioner of Health to issue orders compelling compliance therewith, would be meaningless unless appropriate sanctions to make such orders of the Commissioner of Health something more than hortatory words or idle threats were implied thereby.

Therefore, this court finds that the provisions of Section 156-H are implicit in the earlier part of the title of the ordinance preceding the disjunctive conjunction "or" above referred to.

For the reasons above stated, and for the further reasons expressed at length in this court's memorandum heretofore filed in the case of State vs. Givner, the demurrer is overruled.

Baltimore City Health Department
Ordinance on the Hygiene of Housing

No. 384.

Approved March 6, 1941.

An ordinance to add eight (8) new sections to Article 16 of the Baltimore City Code of 1927, title "Health", said new sections requiring that dwellings be kept clean and free from dirt, filth, rubbish, garbage and similar matter, and from vermin and rodent infestation and in good repair fit for human habitation, and authorizing the Commissioner of Health of Baltimore City to issue orders compelling the compliance with said provisions, or to correct the condition, at the expense of the property owner, and charge the property with a lien to the extent of the necessary expenses.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That eight (8) new sections be added to Article 16 of the Baltimore City Code of 1927, title "Health", sub-title "Nuisances and Prevention of Diseases", said new sections to be under the sub-heading "Dwellings", to follow Section 156, and read as follows:

156A. Every dwelling and every part thereof shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and shall be kept free from vermin or rodent infestation. All yards, lawns and courts shall be similarly kept clean and free from rodent infestation. It shall be the duty of each occupant of a dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control. If the occupant shall fail to keep his portion of the property clean the Commissioner of Health may send a written notice to the occupant to abate such nuisance within the time specified in said notice. Failure of the occupant to comply with such notice

Filed March 16, 1943

shall be deemed a violation of this ordinance and upon conviction the occupant shall be subject to the penalty or penalties herein provided.

It shall be unlawful for any person willfully or maliciously to deposit any material in any toilet, bath tub, sink or other plumbing fixture which may result in the obstruction of any sanitary sewer. This liability on the part of the occupant shall not relieve the owner of the responsibility of cleaning any resultant clog- age but shall subject the occupant to the penalties of this ordinance upon proper proof of such willful or malicious act.

156B. Every dwelling and every part there- of shall be maintained in good repair by the owner or agent, and fit for human habitation. The roof shall be maintained so as not to leak, and all rain water shall be drained and con- veyed therefrom so as not to cause dampness in the walls or ceilings.

156C. Whenever any dwelling, or any build- ing, structure, excavation, business pursuit, matter, condition or thing in or about a dwelling or the lot on which it is situated, or the plumb- ing, sewerage, drainage, light or ventilation thereof, is found by the Commissioner of Health to be dangerous or detrimental to life or health, the Commissioner of Health may order that the matter, condition or thing be removed, abated, suspended, altered or otherwise improved, as his order shall specify. If any such order of the Commissioner of Health, issued under the au- thority of the provisions of this Section, is not complied with within ten days after the service thereof, or within such shorter time as he may designate as being necessary under the circum- stances, then such order may be executed by said Commissioner of Health through his offi- cers, agents, employees or contractors, and the

expense incurred incident to said order shall be paid by the owner of said property, and until so paid shall be a lien upon the realty and recoverable as other liens on realty in Baltimore City, or he may order the premises vacated.

156D. Before proceeding to execute such order, the Commissioner of Health shall post a notice on the front of the building, stating that since such order was not complied with within the time mentioned in said notice, the Commissioner of Health will proceed to execute the same at the expiration of an additional five days and charge the cost thereof to the owner of the premises. A copy of such notice shall be sent to the owner of the property, or his agent, if names and addresses, on diligent search, can be ascertained, and such notice shall be posted on said premises at least five days before the Commissioner of Health proceeds to incur expenses, unless the condition is of such a character requiring immediate action, in which case the time of the notice shall be such as, in the judgment of the Commissioner of Health, is reasonable and proper. The Commissioner of Health shall deliver a copy of said expenses to the Bureau of Liens, and the clerk in charge of said bureau shall record or file, the same in a book or file open to public inspection.

156E. Whenever it shall be found by the Commissioner of Health that a dwelling is unfit for human habitation, or dangerous to life or health by reason of want of repair, of defects in the drainage, plumbing, lighting, ventilation or the construction of the same, or by reason of the existence on the premises of any condition likely to cause sickness or injury among the occupants of said dwelling, or for any other causes affecting the public health, the Com-

missioner of Health may issue an order requiring such dwelling to be vacated. A copy of such order shall be posted on the front of the dwelling at least ten days before it shall be effective, unless the situation is of a character requiring immediate action, in which case the effective time of the order shall be such as in the judgment of the Commissioner of Health is reasonable and proper. A copy of such order shall be sent to the owner of the property, or his agent, if names and addresses, on diligent search, can be ascertained. The dwelling so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the Commissioner of Health, showing that the dwelling or its occupation has been made to comply with this or any other existing law.

156F. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the city, as executor, administrator, trustee, guardian or agent, such person shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this ordinance, and shall be bound to comply with the provisions of this ordinance to the same extent as the owner, and notice to any such person of any order or decision of the Commissioner of Health shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property.

156G. The Commissioner of Health is hereby authorized and empowered to make and adopt such rules and regulations as he may deem proper and necessary for the enforcement of this ordinance for the better protection of the health of the city.

156H. Any person violating any of the provisions of this ordinance, or any lawful order or regulation made and adopted by the Commissioner of Health in pursuance thereof, shall be guilty of a misdemeanor and shall be subject to a fine not exceeding \$50.00 and each day's violation shall constitute a separate offense.

SECTION 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 6, 1941.

HOWARD W. JACKSON, *Mayor*.

A TRUE COPY:

E. H. BEER,

City Register.

Upon arraignment, the Defendant, through his counsel, pleaded not guilty, and wanted a jury trial.

Thereupon, MILTON FRIEDMAN, a witness of lawful age, produced on behalf of the State, after being duly sworn in accordance with law, was examined and testified as follows:

My name is MILTON FRIEDMAN, I reside at 3903 Bareva Road, and I am a Senior Sanitary Inspector of the Baltimore City Health Department and, in said capacity, I went to 2501 Salem Street on December 16, 1942, at the request of Mrs. Contee, who had written a letter to the Health Department.

On entering the house, I discovered a very strong odor of human feces and on going down to the cellar, I noticed about three or four inches of water, fecal matter, toilet paper, and unrecognizable items in the cellar, and discovered that the sewer line was choked in the basement; that there were two large breaks in the sewer pipe through which these materials that I have just mentioned were pouring, and that the extraneous material was backing up through the kitchen sink and through the toilet in the yard, which is the only toilet supplied for the premises.

On December 18th, 1942, notice was served on Jacob Petrushansky, 556 W. Conway Street, who is the owner of the property; it was a post card notice with a return portion on the back. (The said notice was then marked State's Exhibit #1, and the return card marked State's Exhibit #2).

I had no occasion to go back there until the first of February, but did not get in because no one was at home.

CROSS-EXAMINATION

I only visited these premises on December 16th, and the condition I found there was due to the choked sewer line and the break in the sewer line; there were two breaks in the sewer line in the cellar about 6 inches apart and at a point about three feet from the rear door. The positions of the breaks were such that even though the sewer line was open raw sewage would

still flood through these two holes. The two holes, in cross-section, were about directly through the center of the pipe, the horizontal center; one break was about $1\frac{1}{4}$ " in diameter and the other was about $2\frac{1}{2}$ " to 3" in diameter.

- - - - -

Whereupon ARNEDIA CONTEE, a witness of lawful age, produced on behalf of the State, after being duly sworn in accordance with law, was examined and testified as follows:

My name is ARNEDIA CONTEE, and I am tenant at 2501 Salem Street, where I have lived for eleven years. The Landlord is Jacob Petrushansky, who has been landlord since 1937.

The pipe had been leaking for about three weeks before December 16th; I wrote a letter to Mr. Petrushansky about two days after the pipe started leaking; on December 14th I wrote to the Health Department and about two weeks later the plumber came; he did something to the pipe but in about two days' time the same thing happened again; on December 16th all the refuse and water and everything had backed up in the cellar. There was no outlet and the refuse all backed up in the cellar; it was about 6 inches high. We took ashes and boards to put over the top of it so we could get into the cellar.

After the plumber came and made some repairs there was more trouble about seven days later; the plumber has been there about three times; after the first time the plumber came the same condition happened two days later and the second time was about seven days later.

When I attended the hearing at the Station House the pipe was still in the same condition. The hearing there was on February 8th; the last time the plumber came was on February 19th.

I have never spoken personally with Mr. Petrushansky; I pay \$4.00 rent per week and I occupy the whole house.

CROSS-EXAMINATION

I sent the first letter to the Health Department on December 14th and the plumber came two weeks later. He was there long enough to run a cable through the pipe. He was not even there an hour. The first visit was about December 28th and about two days later the same condition recurred. I called his office sometime after January 1st and wrote him a letter about January 5th, and after I wrote the letter the plumber came, and after I made my third complaint the plumber came again.

- - - - -

Thereupon MILTON FRIEDMAN, being recalled by the State, further testified as follows:

I visited the house again on February 5th. I found the clean-out cap had been removed from the sewer line and a wad of paper stuck in its place. The sewer line was still choked and the two breaks were still in evidence; the clean-out cap had been removed from the sewer line, that is a metal cap and a wad of paper had been stuffed in the large hole in the pipe. The hole was $4\frac{1}{2}$ to 5 inches in diameter. The cellar floor was damp. There was some particles of feces on the floor and there was a very strong odor of fecal matter in the cellar. I attended the hearing at the station house on February 8th and Mr. Petrushansky was not at the hearing at the time set; his Secretary and the plumber were there. Later Mr. Petrushansky came and said that he wanted a trial downtown.

CROSS-EXAMINATION

The cap was loosely placed on the sewer line at the time of my first inspection, and I did not see it on my second inspection.

- - - - -

Thereupon Officer William E. Harriman, a witness of lawful age, produced on behalf of the State, after being

duly sworn in accordance with law, was examined and testified as follows:

My name is WILLIAM E. HARRIMAN, and I went to 2501 Salem Street on February 1st; I knocked on the door, was admitted by Mrs. Contee, the tenant, and immediately on opening the door I knew why I went there. I went to the cellar and found human refuse, toilet paper and an awful odor. The human refuse was about two inches on the floor, covered with ashes from the furnace up to the outlet of the clean-out pipe which was about 5 to 6 inches in diameter. That is where all this awful stuff was oozing out of; that was definitely packed full, just oozing out. You could see it just bubbling and oozing out.

On Saturday February 6th I went to the premises again; the odor was still there. The floor is a dirt floor and showed evidence of being cleaned; in the corner where the clean-out opening is in the sewerage pipe, there was a piece of newspaper stuffed in there, and under the pipe approximately an inch the human refuse was still there but it apparently had been cleaned.

- - - - -

Thereupon the State offered in evidence Ordinance No. 384 of the Mayor and City Council of Baltimore, which was approved March 6th, 1941.

- - - - -

Thereupon EMMA HIRSCH, a witness of lawful age, produced on behalf of the Defendant, after being duly sworn in accordance with law, was examined and testified as follows:

My name is EMMA HIRSCH, and I reside at 3551 Buena Vista Avenue. I am Secretary to Jacob Petrushansky and have been for a little over twelve years; Mr. Petrushansky is the agent for this property.

We keep a day book, a record of complaints that we receive from tenants - plumbing that has to be taken care of, any trouble at all in the plumbing line. Our office is agent for quite a number of properties.

The first complaint that I have as to 2501

Salem Street was on Wednesday, November 18th, the notation is "water in the cellar". I do not know who made the complaint; the next record is on Tuesday, December 8th, and the complaint was "water worse than before Parker fixed it"; I see Mr. Parker every day at our office. He comes to the office sometimes early in the morning; Mr. Parker is the plumber sitting over there on the bench. He does the plumbing work for Mr. Petrushansky; I don't know whether Mr. Petrushansky or I told the plumber about the complaint of November 18th, but I do recall that on the second one I told him about that, where the woman said it was worse than it was before; I received another complaint on January 12th that the sewer was stopped up. Mr. Petrushansky took that, and another complaint on February 1st "waste pipe".

(Witness thereupon identified three receipts which had been produced from the records of Mr. Petrushansky, marked "Defendant's Exhibits 1, 2 and 3" for identification.)

On the two occasions that I handled the complaints Mr. Parker was told to go out there and fix them.

CROSS-EXAMINATION

Yes, I work for Mr. Petrushansky; he is a real estate collector; David Petrushansky, Jacob Petrushansky's son, is the owner of 2501 Salem Street. (It was here stipulated that David Petrushansky is over 21 years, is married and resides in Washington).

I was reading these items from out of the book; I never went to 2501 Salem Street and don't know whether Mr. Petrushansky ever did; we received a notice from the Health Department. When we received it we put it in the book and the next time Mr. Parker came in we turned it over to him; I have never spoken to anyone at the Health Department; yes, that is the notice that we received from the Health Department and I wrote Mr. Petrushansky's name on the return card.

- - - - -

Thereupon WILLIAM R. PARKER, a witness of lawful age, produced on behalf of the Defendant, after being duly

sworn in accordance with law, was examined and testified as follows:

My name is William R. Parker and my address is 2103 Allendale Road. I am a registered plumber and have been a plumber for 20 years; I have been doing work for Mr. Petrushansky for about six months, and I get my instructions at his office; I go there every day except Sundays; I received instructions to go to 2501 Salem Street three different times. I think the first time there was water in the cellar or something like that; when I went to the Salem Street house I unstopped the sewer line. I found rags and newspapers in the sewer line which would stop up any sewer; there was a small hole in the top of the waste line that was cut through by some plumber to get his cable through; after I had cleared the sewer line that hole would not have any effect on the disposal of the sewage matter, because it was a 4 inch pipe inside and in the toilet tank there is only about three gallons of water and that three gallons of water has a spread of about 30 feet before it hits the hole. It would have to be a barrel of water dumped in before it hits the hole and only a small hole at that; the refuse would not back up or come through that hole if the sewer line was not choked. When I finished my work and left the job the sewer line was clear and it was operating properly because I went in the yard and tried the toilet out and tried the sewer line.

I went back there the three different times and I rendered bills for them. The three bills (Defendant's Exhibits 1, 2 and 3) are my bills and they have been paid to me. The dates on the bills are on Saturday and the work was done during the week before that Saturday. (Bills offered in evidence marked "Defendant's Exhibits 1, 2 and 3" and dated December 19th for \$6.50, January 15th \$4.55, February 4th \$4.75.)

The bill of December 19th for \$6.50 is for unstopping, cleaning sewer line and repairing bursted 4 inch waste line; that is this waste line; the waste line was leaking in the

joint^x and I recaulked the joint and plugged one hole. I never saw any other hole but this one. The other bills are for unstopping and cleaning the sewer line. The difference in the amounts between the first bill and the other bills represents the work of caulking the joints and fixing the hole. On each of the visits that I made to the house the only complaints I had from the tenant were this waste line. Newspapers and rags caused the choking of this pipe each time I went there. There was no defect in the pipe that caused this condition.

CROSS-EXAMINATION

When I went there first I found a small portion of refuse on the floor, and the sewer stopped up. The refuse backed out through a hole to the floor because the sewer line was stopped up. I re-caulked the joints and plugged one hole. The whole sewer line was clogged up and I cleaned out the whole sewer line. The broken place is about 25 or 30 feet from the toilet. I cleaned out the entire line and put sewer cables through it to open it up. The last time I was there is February 4th. I have not received any reports to go there since then.

I am a licensed plumber. I don't have my card with me. I am not supposed to. I am a partner with Phil Goldsmith and we have a shop on Pennsylvania Avenue. Yes, I am listed there as W. R. Parker, plumbing and heating, 2103 Allendale Road. I have a plumber's license, it is a journeyman's license; you don't have to have a permit to unstop sewers. You don't have to have a permit to repair a pipe; I have been a plumber for 20 years. I had to go back again on January 15th because it was stopped up, and I had to go back on February 4th because it was stopped up. I have worked for Mr. Petrushansky about six months. I do practically all his work and I don't work for anyone else. The clean out cap was there when I went the first time. I took the cap off, cleaned the pipe, put the cable in to unstop the sewer, and put the ^{cap} cable back. It was there each time I went there and as far as I remember I put it back. I didn't put any newspapers in there in

place of the cap.

RE-DIRECT EXAMINATION

I work exclusively for Mr. Petrushansky and have done so for the past six months. I worked for other people before that time, and have done so for approximately 20 years. When I left on December 19th the pipe was clear. When I went back on January 15th and each time I went back I found the foreign substance such as rags and newspapers had clogged up the pipe.

RE-CROSS EXAMINATION

I put the piece of metal over the hole to keep the stuff from backing up. I fastened the metal with wire so that the refuse would not back up when the line was open but only when the line is stopped up. It did not back up when I cleaned it out because I went out in the yard and flushed the toilet several times and it all went off. Yes, through my partner I have obtained permits from the Health Department plenty of times. I did not have any permit for this work at 2501 Salem Street, because I did not think it was necessary.

- - - - -

Thereupon, JACOB PETRUSHANSKY, a witness of lawful age, produced in his own behalf, after being duly sworn, in accordance with law, was examined and testified as follows:

My name is Jacob Petrushansky, and I am the Defendant in this case. I have been a real estate agent for about 25 years and am now agent for over 300 properties in Baltimore City. I am the agent for this property, and an agent for 12 properties in this block on both sides of the street, all the same type houses.

I have not been to the house for three years. On the two occasions I took the complaints at the office I sent Mr. Parker out to repair the condition and paid his bills, and I have no other personal knowledge.

CROSS-EXAMINATION

I do not own the house, my son David owns the

July # 281
182
1/21

Boyle

John
Boyle

Boyle
Boyle

1/21

MAR 20 1943

house and his address is 6409 16th Street, N. W. Washington; I do not own any of these houses on Salem Street. My son owns all 12, and I am agent. I was summoned to the station, on February 8th, on the complaint of the Health Department. I never talked to anyone at the Health Department about the condition of this house; except a policeman called me up about the condition and I sent the plumber. I have not been there for three years. They mail the rent into the office; when we received the complaint we sent a man to take care of it.

Testimony concluded.

Verdict - Guilty.

Sentence imposed - \$150.00 and costs.

Ind. # 531
1943

State

Jacob Petruschansky

Summary
1
Testimony

Filed

MAR 20 1943

except a policeman called me up about the condition and I sent the
anyone at the Health Department about the condition of this house;
Step. on the complaint of the Health Department. I never talked to
IS, and I am agent. I was summoned to the station, on February
do not own any of these houses on Salem Street. My son owns all
houses and his address is 6403 10th Street, N. W. Washington;

COURT OF APPEALS OF MARYLAND

No. 28, April Term 1943

Jacob Petrushansky
VS.
State of Maryland.

Appeal from the Criminal Court
of Baltimore City.
Filed: April 3rd, 1943.
June 24th, 1943, Judgment affirmed
with costs.
Opinion Filed. Op.- Sloan, C. J.

Appellant's Cost in the Court of Appeals of Maryland,

Record	\$ 34.50	
Brief	\$ 96.50	
Appearance Fee	\$ 10.00	
Clerk's Costs	<u>\$ 2.00</u>	\$143.00

Appellee's Cost in the Court of Appeals of Maryland,

Brief	\$ 36.00		
Appearance Fee	\$ 10.00		
Clerk's Costs	<u>\$.75¢</u>	<u>\$46.75</u>	<u>\$189.75</u>

STATE OF MARYLAND, Sct:

I, Maurice Ogle, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Appeals, this ----twenty-fourth-- day of -----July----- A. D. 19 43.



Maurice Ogle
Clerk
of the Court of Appeals of Maryland.

Incl. # 531 Docket 1943

state ✓

vs

Jacob Petruschansky

Mandate

JUL 26 1943

Judgement affirmed

Rev. Ord. Art. 16 Sec. 384-1927