

0566

BOX:

383

FOLDER:

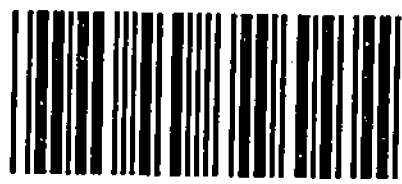
3574

DESCRIPTION:

Vankirk, William

DATE:

01/22/90



3574

0567

WITNESSES:

Offici Black
John P. Vincent

29th & 3rd Sept 24th
for ~~Thursday~~ Sunday 24
W.C. O'Donoghue

Counsel,
Filed 22 day of Aug 1890
Pleads *Magistry*

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1889, Sec. 5.]

THE PEOPLE,

vs.

B
William Van Dusen

134 St. Michael

JOHN R. FELLOWS,

District Attorney.

A True Bill,

Gest *Not Amans*

0568

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

William Van Kerk being duly examined before the under-
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. *William Van Kerk*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *1324 Street & 10th Avenue East*

Question. What is your business or profession?

Answer. *Barkeeper*

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

Answer. *I am not guilty and*
demand a trial by jury
Wm Van Kerk

Taken before me this

day of

188

John J. Van Kerk
Police Justice.

0569

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 defendant

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

Dated May 14 188 8 John J. Hoffman Police Justice.

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

Dated May 14 188 8 John J. Hoffman Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offence within mentioned, I order he to be discharged.

Dated _____ 188 _____ Police Justice.

0570

BAILED,

No. 1, by Parmer Ryan

Residence 210 E. 107 Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court

5

455
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Robert M. Clark

vs.

1 John Van Hook

2 _____

3 _____

4 _____

Excess
Offence

Dated May 14 1888

Green Magistrate.

Clark Officer.

4 32 Precinct.

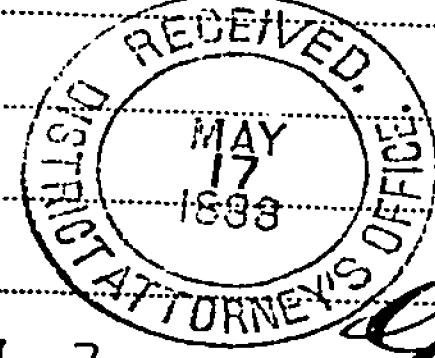
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer 45



Parmer

0571

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.
of New York,

of Robert W Clark
32nd Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 13 day
of May, 1888, in the City of New York, in the County of New York,

at premises No. 154 Street & 1st Avenue John Lane Street,
William Van Kirk (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said William Van Kirk
may be arrested and dealt with according to law.

Sworn to before me, this 14 day
of May, 1888

Robert W Clark
John J. Horner Police Justice.

0572

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Van Kirk

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

William Van Kirk
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

William Van Kirk

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Robert W. Blarke

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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

William Van Kirk

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

William Van Kirk

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0573

BOX:

383

FOLDER:

3574

DESCRIPTION:

VanNess, Peter

DATE:

01/10/90



3574

0574

Witnesses:

Hugo Ayer
Officiating
18th Precinct

Alfred A. Keen
in presence
of
Ayer

10.3
J.D.

Counsel,

Filed 10 day of

Jan 1890

Pleads,

THE PEOPLE

vs.

P

Peter Van Nest

Grand Larceny, Second Degree.
(From the Person.)
[Sections 529, 530, 531 Penal Code].

JOHN R. FELLOWS,

District Attorney.

Jan 13

A True Bill.

Foreman.

Clifford
Jan 13
Henry J. J. J.
R. C. Robinson
21

0575

Police Court—11 District.

Affidavit—Larceny.

City and County } ss.:
of New York, }

of No. 9 Livingston Place Street, aged 10 years,
occupation _____ being duly sworn

deposes and says, that on the 30 day of Dec 1889 at the City of New

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

Our box of Envelopes of the
value of 25 Cents

the property of Bertha Dwyer and in the care
and charge of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Peter Van Ness. (now here)

from the fact that deponent was
walking along First Avenue and with
the said property under his left arm
when said defendant took. Stole
and carried away said property
from deponent's possession and
person

Hugo Dwyer

Sworn before me this

day

of

1889

Police Justice.

0576

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter Vankess being duly examined before the under-
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.

Peter Vankess

Question. How old are you?

Answer.

11 Years

Question. Where were you born?

Answer.

Belgium

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

Answer.

258 Avenue A. 6 Months

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 did take the goods but was
told to do so by another boy.

Peter Vankess

Taken before me this

day of

Dec

188

Police Justice.

0577

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 Defendant

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

Dated Dec 30 188 9 [Signature] Police Justice.

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

Dated 188 Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.

Dated 188 Police Justice.

0578

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court H District. 4

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hugo Dreyer
19 Livingston St
Peter Vaukros

1 _____
2 _____
3 _____
4 _____

Offence Larceny

Dated Dec. 30th 1889

Murray Magistrate

Ruch Officer.

18 Precinct.

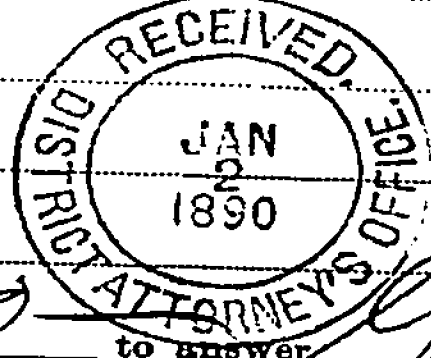
Witnesses G. C. Grant

No. 100 E 73rd Street.

No. _____ Street.

No. _____ Street.

\$ 300 to answer.



Com

922
newman

0579

JACOB BERLINGER,
ATTORNEY & COUNSELLOR AT LAW,
23 Chambers Street,
Room 1.

New York, ^{the} Jan 10th 1890

Mr Andrew Van Ness

Please call
at my office in reference
to the case of your boy
Peter - he was in the
Court of General Sessions
this morning charged
with larceny and wanted
me to send for you or
his mother.

You can see me
at my office or in the
evening at my house
107 East 121st Street near
4th Avenue. Somebody ought
to look after him

Yours &c
Jacob Berlinger

0580

Mother called
to see me and
says the boy was
~~for two years~~
in the juvenile asylum
taken there by her
when she was sick
has 6 children, hus-
band is a Cigar
maker - but this
is the first time the
boy has been arrested
for stealing.
this information given
to me by his mother. he
is 11 years old. he is a
Catholic. Jacob Berlinger
Counsel assigned
N.Y. Dec 11/90. to Defendant.

0581

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter Van Ness

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

Peter Van Ness

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Peter Van Ness*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth*
day of *December* in the year of our Lord one thousand eight hundred and
eighty-*nine*, in the *day* - time of the said day, at the City and County
aforesaid, with force and arms,

one hundred envelopes
of the value of one cent each and
one box of the value of ten
cents

of the goods, chattels and personal property of one *Bertha Drayer*
on the person of the said *one Hugo Drayer*
then and there being found, from the person of the said *Hugo Drayer*
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.

John R. Fellows
District Attorney

0582

BOX:

383

FOLDER:

3574

DESCRIPTION:

VanWinkle, Albert B.

DATE:

01/10/90



3574

0583

Witnesses:

Corneilus J. J. J.
J. J. J.

Counsel,

Filed 10 day of Jan 1890

Pleas, Chitney-13

THE PEOPLE

vs.

B

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code).

Albert B. Van Winkle

Jan 2 - Jan 20/90

the father of said child
discharged on his
own recognizance

JOHN R. J. J.

Attorney.

off July 1890

A. J. J.

Foreman.

Jan 3 apt 14 at 9 pm

arrested

off April term witnesses

for child was

upon reading the
within affidavit
complainant could
be found &
such that depth &
discharged on his
own recognizance
at 9.58
May 25/90 A.D.

May 25/90

May 25/90

0584

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice }
of the City of New York charging Albert Van Munkle Defendant with
the offence of felonious assault

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Albert Van Munkle Defendant of No. 253
West 38 Street; by occupation a Brooklyn
and German Bet of No. 480 3rd Avenue
Street, by occupation a Druggist Surety, hereby jointly and severally undertake that
the above named Albert Van Munkle Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of fifty
Hundred Dollars.

Taken and acknowledged before me, this 27
day of October 1889.
John J. Gorman POLICE JUSTICE.

Albert Van Munkle
German Bet

0585

CITY AND COUNTY }
OF NEW YORK, } ss.

day of
1881
Police Justice

Sworn to before me, this

Norman Betz -

the within named Bail and Surety being duly sworn, says, that he is a resident and free
holder within the said County and State, and is worth 10000 Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of House & Lot No 480

3rd grade of the value of ten
thousand dollars and all
incumbrances

Norman Betz

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 188

Justice.

0586

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

agst. *Albert Van Winble*

Examination had *Dec 28* 188 *9*
Before *John J. Gorman* Police Justice.

I, *W. L. Crosby* Stenographer of the *2* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of *Cornelius Trapp, Emma*

Essig, John Anderson, Wm Richards, Eva Danforth
Mollie Hall, Albert Van Winble
as taken by me on the above examination before said Justice.

Dated

Dec 28 188 *9*

W. L. Crosby
Stenographer

John J. Gorman
Police Justice.

POOR QUALITY
ORIGINAL

0587

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE FAIR.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Cornelius Trapp *not found*
of No. 575 8th Ave. Street.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 25 day of MAY 1892 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Albert B. Van Vinkle

Dated at the City of New York, the first Monday of MAY
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

*Reported to Linc. somewhere on
9th Ave bet 39th & 40th Sts*

GLUED PAGE

0588

POOR QUALITY
ORIGINAL

FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Emma Essig of County
of No. _____ Street _____

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 25 day of MAY 1892 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

W. B. Van Nankle

Dated at the City of New York, the first Monday of MAY
in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

sworn, deposes and says: I reside at No. 92 Burrows St
Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of
the City and County of New York. On the 24th day of May 1892
I called at 575, 8th ave

the alleged Residence of Cornelius Drapp & Emma Essig
the complainant herein, to serve them with the annexed subpoena, and was informed by

parties in house & store that they had no
knowledge of them whatever and did not
know when they could be found

Sworn to before me, this 25th day
of May 1892

James Dravitt
Notary Public N.Y. Co No 162

Geo R Moore
Subpoena Server.

0589

Part of General Sessions.

THE PEOPLE

vs.

est R Van Dinkle

City and County of New York, ss :

Geo R Moon

being duly

sworn, deposes and says: I reside at No. 92 Burrows St

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of

the City and County of New York. On the 24th day of May 1892

I called at 575.8th ave

the alleged

Residence

of Cornelius Drapp & Anna Essig

the complainant herein, to serve ~~them~~ with the annexed subpoena, and was informed by

parties in House & store that they had no
knowledge of them whatever and did not
know when they could be found

Sworn to before me, this 25th day
of May 1892

Louis Dravitt
Notary Public N.Y. Co No 162

Geo R Moon

Subpoena Server.

0590

Court of General Sessions.

'THE PEOPLE, on the Complaint of'

56.

Albert E. Thibault

Edward M. Bellows

~~JOHN-R-FELLOWS,~~

District Attorney.

Affidavit of

John H. Moore

Subpæna Server.

Failure to Find Witness.

0591

Police Court—2 District.City and County { ss.:
of New York,of No. 575 8th Avenue Street, aged 24 years,occupation Shampraver being duly sworndeposes and says, that on the 25th day of December 1888 at the City of NewYork, in the County of New York, on West 38th St.he was violently and feloniously ASSAULTED and BEATEN by Albert VanWinkle (nowhere) who wilfully

and maliciously pointed and

aimed a revolving pistol

loaded with powder and ball, which

he the said deponent then and

then held in his hand, at deponent

and discharged several shots

from said pistol, at deponent

one of which struck deponent in

the left shoulder, causing

a severe and painful wound.

Deponent further says that such

assault was committed

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 26 dayof Dec 1888Cor. TrappJohn J. Mann Police Justice.

0592

Sec. 108-200

District Police Court.

CITY AND COUNTY
OF NEW YORK

Albert B. Van Winkle

being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is hight to
make a statement in relation to the charge against h; that the statement is designed to
enable h if he see fit to answer the charge and explain the facts alleged against h
that he is at liberty to waive making a statement, and that h waiver cannot be used
against h on the trial.

Question. What is your name?

Answer.

Albert Van Winkle

Question. How old are you?

Answer.

22 years old

Question. Where were you born?

Answer.

Washington D.C.

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

Answer.

25 B. St., 38th St. 2 years

Question. What is your business or profession?

Answer.

Insurance Broker & Clerk

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

Answer.

I am not guilty.
I did it in self defense.

Albert B. Van Winkle

Taken before me this

day of

Dec

188

John J. Conner

Police Justice

0593

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.....

Alfred Smith
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 Decr 29 1889 J. H. Thomas Police Justice.

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

Dated Decr 29 1889 J. H. Thomas Police Justice.

There being no sufficient cause to believe the within named.....

.....guilty of the offence within mentioned. I order he to be discharged.

Dated..... 18..... Police Justice.

\$5000 hail for
Ex Dec 28th 9 AM
" " 29 9 AM
h 7 ~ - - - 2 60 ~ 1 ex
56 ~ h b ——— 74 ~ L m
P" P ——— C ——— D" 7
R → L ~ 40 ~ 2" ~ 4 ~ 7 ~ 2
L ~ x

BAILED,

No. 1, by Herman / FPH

Residence 780 3rd Avenue Street

No. 2, by _____

Residence *Street.*

No. 3, by

Residence *Street.*

No. 4, by

Residence *Street*

Def't's witness

William Richards 259 W 38th

Gen Davenport a 2.6

Mother Hall 25 31 38 1

Police Court---District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

ON THE COMPLAINT OF
Counseling Trapp
575 8th
Albert Van Wick

2

3.....

4. _____

Dated Dec 26 1888

Edward P. McEwen
Magistrate.
Officer.

.....Precinct.

Witnesses John Anderson

No. 573 5th Street.

Gmina Elpis
of complete ~~the~~ Doe

No. Chicago 111 449 Street.

7 completed

No. 12 1890 Street.

Supp. ATTORNEY'S

18. 11. 1944

Mrs. C. J. [illegible]

0595

Police Court
Second Dist.

The People
Bernard Trapp
Albert Van Winkle

German
Examination Before Justice ~~Hager~~
Dec 28 1889

For the defendant. Abe Hummel Esq

Bernard Trapp, the complaining witness,
being cross examined by Mr.
Hummel deposes and says:-

Q You had no difficulty with the
defendant.

A Not to my knowledge?

Q Nor with you never knew
Mr Van Winkle before?

A No sir

Q You never had any quarrel
with him?

A No sir

Q So far as you know the
defendant had no cause
of any kind to shoot you?

0596

A No Sir

2 At the time of the shooting
did you or your brother in
law lift your hands to the
Defendant?

A No Sir

2 - Have any words with him?

A I don't know

2 Did your brother in law
have words with him?

A I do not know -

2 You were present?

A Yes.

2 And you say you did
not hear your brother in
law have any words with
him at all?

A No Sir.

2 Why did you stop to consider
your answer do you not know
whether your brother in law
had words with Defendant
Are you in doubt?

A I am.

2 You are not sure whether

0597

your brother in law had
words with Defendant:

A I aint sure of it

Q Is that as true as anything
else you have said?

A Yes: that is true

Q Is it as true as the statement
you made to the officer:

A I did not make any statement
to the officer

Q Is it as true as the
statement you have made
that there was nothing to
justify the shooting?

A Yes Sir

Q How many persons were
there present of about your
age?

A - There was only two

Q Besides yourself?

A Me and my brother in law.

Q Was there any person else?

A Oh there was one about
100 feet away?

Q Not nearer?

A Not nearer.

2 How many people were there
there altogether.

A This lady and gentleman.

Q a gentleman with whiskers.

2 Did this think take place
on the sidewalk?

A No sir: the middle of the
street, near the gutter.

2 at the gutter?

A Yes: in the street

2 Where was defendant standing

A He was near the gutter.

He was on the sidewalk
and he stepped back down
in the gutter

2 Were you there facing him?

A No sir: he stepped out from
me about 4 feet

2 Which side of the street?

A Up town side.

2 Was that when the shot
was fired?

A When he was in the street.

4 I was about 4 feet away

0599

When the first shot was fired
I was on the sidewalk. He
was in the middle of the
street.

2 When the first shot was fired
how close to you was your
brother in law?

A About two feet.

2 ~~Was~~ nearer to him than
you were?

A Yes

2 Was there any person else
nearer to him - stop and
remember?

A No Sir There was a
lady there. Eva Danforth

2 Did you hear any outcry?

A No.

2 No shouting?

A No.

2 Everything quiet as it is
here now?

A There was a few children
around making a little
noise

5

0600

2 Making a noise about the shooting

A No sir

2 As far as the shooting was concerned you say that was done without intervention of any kind, without a word, without ^{defendant} being struck. Is that what you say?

A Yes sir

2 You came from the direction of 4th Avenue?

A I did.

2 Where was you going?

A I was going with my brother in law. He had been sick and I was going to the barbers with him. I told him to go along. I said "I will get my shoes shined. You wait at the street. I will meet you." He went on and came back and said "There was a man down there hit me in the eye."

2 Then you and your brother
in law went in the direction
of the man who hit him?

A No sir, we went to go to
the barbers.

2 But you went in the direction
where this man was?

A Yes

2 Did your brother in law hit
this man.

A No sir. We were just
walking along. He was standing
near the railing I think. He
ran out at me. There was
something about dogs. We was
walking to the barbers. He
stepped out to the gutter
and fired the revolver.

2 Did the defendant do
that without saying anything?

A He said "I will blow
the top of your head
off"

2 Do you know what
nothing was said by you

0602

brother in law:

A. Nothing that I heard.

Sworn to before me this 28 day

of December 1899

Police Justice.

Emma Essig being duly sworn
as a witness for the People
deposes and says: I
led the dog out, and this
gentleman the defendant
led two dogs out. The dog
that I had had a collar
on and the defendant
took the dogs collar off
and said "Now they can
fight away and tear each other."
Then I went away. I did not
see any more about it.

Q. Did anybody speak to this
man

A. I do not remember because
I turned away.

Q. That is all you know?

A. Yes.

Q. You did not hear any shouting?

0603

A No Sir

2 Did you hear any one
speak to the defendant
Van Winkle?

A No Sir.

Sworn to before me this 25 day
of December 189 9

Police Justice.

John Anderson being duly sworn
and examined as a witness for
the people deposes and says
I am 25 years old, I live
at 373 1/2 of the Avenue I am
a driver.

2 Do you know anything about
the shooting?

A Yes.

2 What do you know.

A On Christmas day I got out
of a sick bed to go and
get shaved. While I was
passing through 3rd St. I met
this little girl. She had a
dog and this defendant had

two dogs. He took off the collar of the little girl's dog and set his two dogs both on the one. I said to him "You are no gentleman, to or you would not do that to a little girl." He said "What the hell is the matter with you. I will punch you in the eye." I said "I just got out of a sick bed." I don't think you would. You ought to be ashamed of yourself to use a little girl so." Then he hit me in the eye as you can see. My brother in law, Complainant, was getting his shoes shined. When he got through he came up.

2 Q Had you said anything to your brother in law?

A I said "That man hit me in the eye up the street." When we came

0605

up to where Defendant last
struck me. Defendant was
there. He put his hand on
his hip pocket and said
"If you come near me I
will blow your head off." Then
he pulled out a revolver
and shot my brother in law
in the shoulder.

Cross examined by the Hummel

Q Was any other person but
your brother in law in your
company?

A No Sir.

Q any other person around
there?

A Yes, some people; some
women and children.

Q How many about?

A I did not count them.

Q About.

A There might be ten or twenty.

Q Were you going towards 8th Avenue?

A I was going in the direction
of Seventh Avenue.

0606

2 While your brother in law
was getting his shoes shined
did you continue going to the
barbers?

A Until I got hit in the eye.

2 Then you turned back to
your brother in law?

A - Yes.

2 And told him that you
had been hit.

2 Did you try to hit back?

A I did try, but I did
not succeed.

2 How many blows did you
try?

A about one. I was not
able to strike him. I was
weak.

2 You say you tried to strike
him about one?

A I did not say about one.

2 You did say about one.

A Yes - about one - that is
what I said.

12 2 one one?

A Yes.

Q That is what you meant?

A Yes; what I said.

Q You meant to say one blow

A I struck one blow.

Q You went back to your brother in law and told him you had been struck, and you walked back to with your brother in law - you walked towards Mr Van Winkle, and you struck him one blow.

Q What was the first word that was uttered by you or your brother in law?

A - Defendant said he would shoot me if I came near.

Q Did you go near?

A No I did not.

The witness here testified to the court how near he and his brother were to the defendant - within a few feet.

2 Did you use any language when you came up to him?

A No Sir.

2 There was nothing said?

A No.

2 You say he just pulled out a pistol and shot your brother in law.

A He shot at me.

2 Without a word being uttered by either one of you two?

A Yes Sir.

2 You had done nothing to him?

A No Sir.

By the Court

2 How many people do you say there were there?

A There were ten - some of them were children.

2 Where were you standing?

A Near the gutter near the sidewalk.

14 2 Where was he standing?

0609

A near the gutter
By the court

Q In the roadway?

A Yes; in the road way.

Sworn to before me this..... day

of December 1889

Police Justice.

William Richards being duly

sworn as a witness for

Defendant Deposes and says:

I live at 259 West 38th St

I am a bricklayer. I am
out of employment

Q But you see this

A Yes.

Q What did you see?

A I saw this Tom Winkler

standing against the fence

I was standing outside of my

own place on the other side

of the street. His two dogs

were then playing. This strange

dog came along and it had

a collar on with spikes in

15 the collar. He took the collar

06 10

off and gave it to the little girl and she ran crying down the street. Then this young man John Anderson he was standing there while the dogs were playing. I could not tell what they said between them. The first thing I knew they were fighting

Q Did you see Anderson strike Van Winkle?

A - No.

Q Did you see anybody strike Van Winkle?

A No, I did not

Q Then they parted?

A - They parted. This young fellow went towards 5th Avenue and in about 10 minutes he came back with three other fellows.

Q True more?

A Yes. One had a bottle in his hand. I saw the bottle in his hand. There

was another young fellow standing there near Mr. Von Winkle. They walked up deliberately to where Von Winkle was standing. Then the whole three piled on Von Winkle.

2 Piled on?

A Struck him, and pounded him.

2 Pounded him.

A Yes.

2 It has been testified that the complainant and his brother in law did nothing to the defendant. Is that a mistake?

A I could not tell - I was too far away.

2 You did not see him struck;

A I saw him struck the second time?

A I saw him struck the second time by young Anderson.

17 2 This was before the justice

06 12

was drawn

A. Yes! before the Justice was
arriving. They had got out
in the street confronting
this Van Winkle.

2 (By the Court) Did you see
Van Winkle here struck a
blow.

A. Yes sir - There were 3 of them.

2 Did you see who
struck Van Winkle?

A. I could not say

2 There was a scuffle.

2 Do you know which
one had a bottle

A. No. I could not recognize
them.

Sworn to before me this 30 day

of December 1889

Police Justice.

Eva Sampson being duly sworn
and examined as a witness
In Defendant. Deposes and
says: I am 26 years old

I am engaged at the Casino.
 2 Please tell the court what
 you saw take place of this
 occurrence.

A Mrs Hall saw me to the
 front door. I was going
 to the matinee Mr Van Winkle
 was there talking to another
 young gentleman, leaning
 against the railing. The
 two dogs were playing at
 the time. I picked a
 bracelet. Mrs Hall went
 for it. She called me
 into the hall to see if it
 was the right bracelet. When
 I returned to the front I
 saw Van Winkle and another
 man struggling together in the street.

2 You saw Anderson?

A I could not say. I could
 not recognize. Van Winkle
 rushed out toward the street.
 Then another man walked
 over and deliberately commenced

0614

to assault Van Winkle. and they all seemed to struggle together about a minute before the shooting took place.

2 Did you see Van Winkle struck?

A Yes, I saw the second man walk deliberately over and strike Van Winkle several times while he was still struggling with the first man.

2 Did you see before that a bottle in his hand.

A I could not say.

2 Are you sure that the struggle and the striking of Van Winkle took place before the pistol was discharged?

A I am sure.

Sworn to before me this 29 day
of December 1899

.....
Police Justice.

20 Mollie Hall being duly sworn

06 15

And examined as a witness
for Defendant Depose
and say. I live at
253 West 38th St. I am
38 years old. I am the
mother of the Defendant.
My son is employed by the
Alliance Insurance Co on
32nd St. He is a collector.

2 Tell what you know of this
occurrence.

A Mrs. Dancourt was going to
the Melrose. She was
going down stairs. She had
forgotten her bracelet and
had to send back for it,
when I went to the door
I met my girl. She said
"Allie had difficulty with
some men out there." I
rushed out and asked
what was the matter. He
said he had some trouble
with a man who was down
the street.

0616

I heard the noise outside. I rushed to the door and I saw the first man that swore here. I saw him strike my son. I ran to him and said "Don't strike my son and I will take him in the house." Then he used profane language and struck him again. Then while one man was striking him another was getting behind him. Then he fired.

Q Did he fire before he was struck?

A Not until after he was struck.

Q Did he fire before you were there trying to prevent this man from hitting him?

A He did not.

Q How many men were there there besides Anderson?

A As near as I can say from there were three

22

0517

in front, and a fourth
man tried to get behind
him.

Q Did you see a bottle in
the hand of any one?

A No; that I did not see.

Sworn to before me this 30 day
of December 1899

Police Justice.

Albert Von Winkle being duly
sworn and examined as a
witness in his own behalf
deposes and says: I am
22 years of age.

Q Why do you carry a pistol?

A I am sometimes required to
go at night to localities that
are not safe.

Q Tell the court what took
place on this occasion.

A On Christmas day I had the
dogs out exercising. This young
man was going up the street
with another dog. My dog
had a collar on with points

0518

that stick out about three
quarters of an inch. Then
This dog was playing with
my dogs and they were
rolling over and I was
afraid my dogs would be
cut by these spikes on the
collar of ~~another~~ ^{the} dog. So
I took the collar off and
handed it to the little
girl, and the little girl
went away crying. The
next thing Anderson came
along and said I was
taking spite out on the
little girl. I told him I
was not doing so. Then
Anderson began to quarrel
and started to strike me
and did strike me, and
I defended myself.

Q You struck him?

A Yes.

Q How long after you saw
Anderson beat that he

05 19

come back

A. That was about 10 minutes

Q He came back with how many men?

A. Three or four.

Q Tell what took place

Here three men came up with Anderson. One I saw one of them with a glass ~~footed~~ bottle in his hand. Anderson was with him. He stood on one side of me. I saw the two others coming towards me. As I backed off the pavement and Anderson followed me and struck me. I pulled out the revolver and I said "If you touch me I will shoot you." There was four of them jumped on me. I struck back at them with a pistol. They were trying to get me down and I believed my life was

0620

in danger and I fired.

Q Had your mother made an effort to separate you?

A Yes.

Q Did you fire at any person particularly

A I fired at Anderson first

Q You fired at the man who attacked you

A Yes Sir.

Q You thought your life was in danger?

A Yes Sir.

Sworn to before me this 30 day
of Dec 1891

Police Justice.

0621

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Albert B. Van Winkle

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

Albert B. Van Winkle
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Albert B. Van Winkle
late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-~~nine~~^{two}, with force and arms, at the City and County aforesaid, in and upon the body of one *Cornelius Trapp* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Cornelius Trapp* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Albert B. Van Winkle* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *him* the said *Cornelius Trapp* 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

Albert B. Van Winkle
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Albert B. Van Winkle
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Cornelius Trapp* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Cornelius Trapp* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *Albert B. Van Winkle* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0622

BOX:

383

FOLDER:

3574

DESCRIPTION:

Volak, Charles

DATE:

01/13/90



3574

0623

Witnesses;

Joseph R. Weyant

Read for Officer

Counsel,

Filed 13

day of

Jan 18 90

Pleads,

THE PEOPLE

vs.

P

Charles Volake

Grand Larceny Second Degree.
[Sections 528, 534, Penal Code].

JOHN R. FELLOWS,

District Attorney.

24/03/1. 840 S.F.
Dec 17/90
A True Bill

William Foreman.
Jan 13/90
Plenda 12 day

17

0624

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. 221 East 3rd Street, aged 22 years,
occupation Baker being duly sworndeposes and says, that on the 4th day of November 1889 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:

One overcoat valued fourteen
dollars; one watch valued
twelve dollars and three dollars
good and lawful money of the United States

All valued twenty nine dollars
the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Charles Volak (now here)

for the reasons that deponent is
employed in the above premises and
on said day the defendant obtained
employment in the same place. The
defendant and deponent occupied
the same room and went to sleep
and said property was in the room.
When deponent awoke the defendant
had gone and deponent missed said
property. The defendant did not return.
The defendant here in Court after being
informed of his rights acknowledges
and confesses to stealing a portion
of said property. Joseph Hajek

Sworn to before me, this 28th day
of December, 1889J. W. Kelly
Police Justice.

0625

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

1st District Police Court.

Charles Volak 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.

Charles Volak

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Austria

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

Answer.

No Home

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

*I plead Guilty to taking
the coat and watch and deny that there
was any money in the coat pocket
- Charles Volak*

Taken before me this *28th*
day of *Dec* 188*9*

Police Justice.

0626

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.....

Defendant
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 *Dec 28th* 188*9* *John J. Kelly* 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.

0627

Police Court---

10/21/88 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Hajek
221 East 34th

1 Charles Volak

2

3

4

Offence Grand Larceny

Dated

Dec 28th

1889

O'Reilly

Magistrate.

Wingardner

Officer.

Central Office

Precinct.

Witnesses

No.

Street.

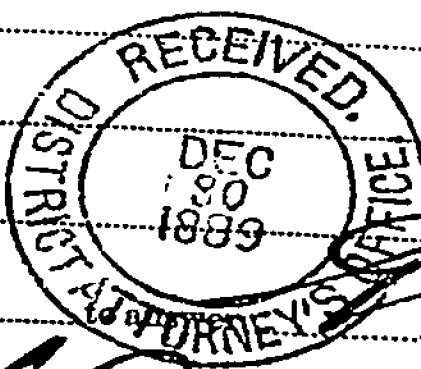
No.

Street.

No.

Street.

\$ 5.00



W. Com

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

0628

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Charles Volak

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

Charles Volak

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Charles Volak

late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *November* in the year of our Lord one thousand eight hundred and *eighty-*
nine, at the City and County aforesaid, with force and arms,

one overcoat of the value of fourteen
dollars, one watch of the value of twelve dollars

one promissory note for the payment of money, of the kind commonly called United
States Treasury Notes, of the denomination and value of *two* dollar; *one*
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *two* dollar; *one* United States Gold Certificate,
of the denomination and value of *two* dollar; *one* United States
Silver Certificate, of the denomination and value of *two* dollar;

three promissory notes for the payment of money, of the kind commonly called United
States Treasury Notes, of the denomination and value of *one* dollar each; *three*
promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *one* dollar each; *three* United States Gold Certificates,
of the denomination and value of *one* dollar each; *three* United States
Silver Certificates, of the denomination and value of *one* dollar each; and

divers coins, of a number, kind and denomination to the Grand
Jury aforesaid unknown, of the value of three dollars

of the goods, chattels and personal property of one *Joseph Hajek*

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.

John R. Fellows
District Attorney

0629

BOX:

383

FOLDER:

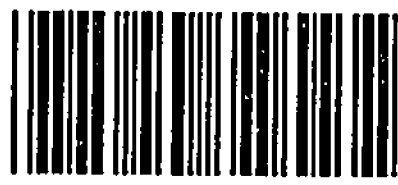
3574

DESCRIPTION:

Vorrath, Theodore

DATE:

01/29/90



3574

0630

Witnesses:

Officer McCann

4472
Selling on Sunday.

Counsel,

Filed

Pleads,

day of *January* 189*1*

THE PEOPLE

vs.

Theodore Vorrath

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[Ill. Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 6.]

*Conf. to the Court
of Special Juries,
Jury No. 10, 1891*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. H. Farn

Foreman.

July 6 5 Feb 10

0631

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Theodore Vorrath

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

Theodore Vorrath
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

Theodore Vorrath

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *June* in the year of our Lord one thousand eight hundred and *eighty eight* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Louis Mc Cord

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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

Theodore Vorrath
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Theodore Vorrath

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.