

0221

BOX:

354

FOLDER:

3335

DESCRIPTION:

Quinn, Ellen

DATE:

05/20/89



3335

POOR QUALITY
ORIGINAL

0222

Witnesses

J. J. Bowles

Upon the statement below
I recommend the dismis-
sal of the indictment
against ~~Ellen Quinn~~

June 13 1889. The complainant

states, P. Bowles, says that the
woman who says wish to have
Quinn, was, on information
obtained from her arrest
immediately after she was
taken into custody and in
his possession was found
milk identical in quality with
that found in her place. He
further says, that he has found
evidence, also that he believes
himself ignorant she was im-
posed on. Therefore recommends that
the indictment be dismissed

J. J. Bowles P. P. P. A.

Counsel,

Filed,

Pleads,

1889

THE PEOPLE,

vs.

Ellen Quinn

ADULTERATED MILK.

(Chap. 183, Laws of 1885, Section 1, as amended
by chap. 577, Laws of 1886, Section 1; Section 186,
Sanitary Code, and Section 575 of the N. Y. City
Consolidation Act of 1882.)

JOHN R. FELLOWS.

On Decem. 13th 1889 District Attorney
indict. dis. B.M.

A True Bill.

Foreman.

POOR QUALITY
ORIGINAL

0223

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

Fred W Bowles of No. 301 Mott Street, in
the City of New York, being duly sworn, says that he is over the age of twenty-one years, and is
a Sanitary Inspector of the Board of Health therein, especially detailed to the inspection of Milk;
that on the *11th* day of *March* in the year 188*9*,

at premises number *445 W. 3rd St.* in the City of New York, the said premises being
a place where Milk was then kept for sale, one *Ellen Quinn*
unlawfully did then and there keep, have and offer for sale three quarts of impure and unwholesome
Milk, which had been and was then and there watered, adulterated, reduced and changed by the
addition of water or other substance, or by the removal of cream therefrom, and that such impure,
unwholesome, watered, adulterated, reduced and changed Milk was then and there, by the said
Ellen Quinn, unlawfully held, kept and offered for sale in violation
of the provisions of the Sanitary Code then and there and at all times thereafter in force and operation,
and especially in violation of the provisions of a section and ordinance of such Sanitary Code which
was duly passed and adopted by the Board of Health of the Health Department of the said City of
New York, and by said Health Department at a meeting thereof, duly held in said city, on the
twenty-third day of February, 1876, in the manner and language following, to wit:

"Resolved, That, under the power conferred by law upon the Health Department, the following
"additional section to the Sanitary Code for the security of life and health be, and the same is hereby,
"adopted and declared to form a portion of the Sanitary Code.

"No Milk which has been watered, adulterated, reduced or changed in any respect by the
"addition of water or other substance, or by the removal of cream, shall be brought into, held, kept
"or offered for sale at any place in the City of New York, nor shall any one keep, have or offer for
"sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in
the *City Record*, a daily official newspaper and journal published in said city, to wit, in the issues of
such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876,
and that said ordinance was, at all times alleged herein, in full force and operation in said city and
county.

Sworn to before me the *14th* day }
of *March* 188*9*

F. J. Bowles
Sancti
Police Justice.

*Adulteration 5th added water
Daily Sale 10 to 15 qts.*

POOR QUALITY
ORIGINAL

0224

Police Court, 2nd W. District.

THE PEOPLE, &c.,

vs. THE COMPLAINT OF

F. J. Fowler

Ellen Duran

445 W. 39th St

Affidavit, violation of Section 186
of the Sanitary Code.

Dated.....188 .

Justice.

Officer.

Witnesses.....

No.....

No.....

§.....to answer.....

Received 5 (paid) fine
Dated, July 189--1894

POOR QUALITY
ORIGINAL

0225

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK

2 District Police Court.

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

Question. What is your name?

Answer.

Ellen Quinn

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

No 445 West 29 Street & about 6 months

Question. What is your business or profession?

Answer.

Grocery Store

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 not know the milk
was bad if I had I would not
have ~~signed~~ ^{sold} it. and demand
a trial by jury
*Ellen Quinn**

Taken before me this
day of *March* 188*9*

John J. Kelly
Police Justice.

POOR QUALITY
ORIGINAL

0226

Sec. 151.

CITY AND COUNTY
OF NEW YORK, } ss.

Police Court 2nd District.

In the name of the People of the State of New York; To the Sheriff of the County
of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned one of the Police
Justices for the City of New York, by Frederic J. Bowles
of No. 301 Mott Street, that on the 11th day of March,
1889 at the City of New York, in the County of New York,

the Ellen Benson of 445 W. 39th St
has and offered for sale three masts
of adulterated meat in violation of
Sanitary Code of said City

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 2nd DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 14th day of March, 1889

Samuel C. H. H. H. POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0227

2. P. M. 32. W. R. Grover M. 25 445- M. 38 J. M. 38

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated _____ 188

Police Justice.

Police Court 2nd District.

THE PEOPLE, & c.,

ON THE COMPLAINT OF

T. J. Doyle

vs.

Ellen Quinn

445 M. 38 J. M. 38

Warrant-General.

Dated March 14 1889

Daniel O'Reilly Magistrate

Thomas M. Campbell Officer.

The Defendant Ellen Quinn
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Thomas M. Campbell Officer.

Dated March 20 1889

This Warrant may be executed on Sunday or at
night.

T. J. Doyle Police Justice.

POOR QUALITY
ORIGINAL

0228

BAILED,
No. 1, by Christian P. ...
Residence 468. 1st Avenue
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Fredrick G. Barnes
Ellen Sumner
1 _____
2 _____
3 _____
4 _____
Offence Dis. Sanitary

Police Court... 9 - 412 District.

Dated March 20 1889
Magistrate S. O'Leary
Officer Cumford
Precinct Cum

Witnesses
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
\$ 100 to answer
Bond
Handwritten

RECEIVED.
MAR 21 1889
DISTRICT ATTORNEY'S OFFICE.

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 100 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 March 20 1889 Samuel J. ... Police Justice.

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

Dated March 20 1889 Samuel J. ... Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0229

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ellen Quinn

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

Ellen Quinn

(Chap. 183, Laws of 1883, § 1, as amended by Chap. 577, Laws of 1886, § 1.) of a MISDEMEANOR, committed as follows:

The said

Ellen Quinn

late of the City of New York, in the County of New York aforesaid, on the
eleventh day of *March* in the year of our Lord
one thousand eight hundred and eighty-*nine*, at the City and County aforesaid,
did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated
and unwholesome milk (the same not being skimmed milk produced in the said County),
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.

**POOR QUALITY
ORIGINAL**

0230

SECOND COUNT:

(§186, Sanitary Code)

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

Ellen Quinn
of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE
HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said

Ellen Quinn

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

“No milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept, or offered for sale at any place in the City of New York; nor shall any one keep, have or offer for sale in the said city any such milk.”

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, 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.

0231

BOX:

354

FOLDER:

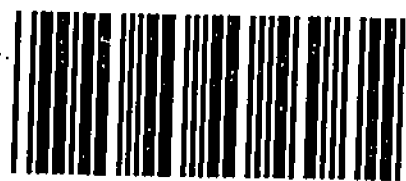
3335

DESCRIPTION:

Quirk, William F.

DATE:

05/17/89



3335

Witnesses:

Margaret Davenport
Officer Leary

Ward of the County
Recorder. H

Ex officio
Statement on oath
I declare that
Herbert has in the
present past years
that he has kept for
at least 8 years &
that he believes that
the her James Chubb
appeared upon the
evidence on his mother
known as James & James
July 10 1898

POOR QUALITY
ORIGINAL

0232

Counsel

Filed

Pleas,

1889

17 day of May

THE PEOPLE

vs.

P

William S. Link

Grand Larceny, First Degree
(DWELLING HOUSE)
[Sections 529, 530, 531 Penal Code]

JOHN R. FELLOWS,

District Attorney

A True Bill.

[Signature]
Foreman.
J. J. Liley
2 May 8 1889
Chicago, Ill.

POOR QUALITY
ORIGINAL

0233

Police Court 3 District.

Affidavit—Larceny.

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

Margaret Savenport
of No. 11 Rutgers Street, aged 38 years,
occupation Boarding House Keeper being duly sworn
deposes and says, that on the 7 day of May 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 night time, the following property, viz:

A quantity of silver plated ware consisting
three sugar bowls, three butter dishes,
of the value of Twenty six dollars

the property of

deponent (who is a widow)

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 William F. Quirk (now here)

from the fact that she is informed by Thomas
Stapleton that he found tickets repres-
enting said property that was pledged
in a loan office deponent says
that she saw said property and
identifies the same

Margaret Savenport

Sworn to before me, this 14 day
of May 1889

Ed. J. Smith Police Justice.

POOR QUALITY
ORIGINAL

0234

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

aged 53 years, occupation Thomas Stapleton
Police officer of New
York Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Margaret Davenport
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 14
day of May 188 9 Thomas Stapleton

Da Veer
Police Justice.

POOR QUALITY
ORIGINAL

0235

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

William F. Quirk being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h right to
make a statement in relation to the charge against h ; that the statement is designed to
enable h — if 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. *William F. Quirk*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *11 Rutgers St 10 years*

Question. What is your business or profession?

Answer. *Labourer*

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 of the charge & I
waive further Examination
Wm. F. Quirk*

Taken before me this *14*
day of *May* 188*9*
John J. C. Smith
Justice of the Peace

POOR QUALITY
ORIGINAL

0236

Police Court... 3
District... 696

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Margaret Davenport
11 Bedford St
William F. Daulton

Offence... Larceny
Felony

Dated 14 May 1889

Samuel O'Reilly Magistrate
Deputy Stapleton Officer

Witnesses: James Stapleton
George O'Reilly
Wm. Prescott

No. 101149
RECEIVED
MAY 15 1889
DISTRICT ATTORNEY

James O'Reilly
67 St. James St

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 Seven Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 14 1889 Samuel O'Reilly Police Justice.

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

Dated 1889 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 1889 Police Justice.

**POOR QUALITY
ORIGINAL**

0237

To His Excellency

David B. Hill,

Governor of the State of New York:

I, Margaret Davenport, residing at No. 9 Rutgers Street in the City of New York, do respectfully petition for the pardon of my son William F. Quirk, now an inmate of the State Prison at Auburn, where he is serving a sentence of two years and eight months for Grand Larceny committed on me.

This prisoner is a son of mine by a former husband. He is twenty five years of age. At times he became dissipated and wild, and when under the influence of liquor was irresponsible. Drink was the cause of his crime. In the month of May, 1889, to get money to buy liquor, and while in a state of intoxication, he took from my house, (a boarding-house kept by me in this City) several articles of silver, of the value of about twenty six dollars, and pawned them. I subsequently recovered most of the property.

In consultation with a detective of this City, Mr. Cornelius Leary, then attached to the seventh precinct police, I was advised to have the young man arrested, being assured that there would be no difficulty in having him committed to the Elmira Reformatory, where I hoped that an experience of the discipline and the training at that institution would have a happy tendency to reform my erring son. The idea of his being sent to State Prison never entered my mind, and if I could have foreseen the fate that befel him I would never have entered a complaint.

Acting upon this advice and believing that the punishment would take the form of a brief incarceration at the Reformatory, I made an affidavit of the facts. My son gave himself up without the service of a warrant. At the Essex Market Court he pleaded guilty and disclosed where the property was. I relied upon Mr. Leary to inform me of the subsequent proceedings and upon his promise to aid me in procuring a sentence of

**POOR QUALITY
ORIGINAL**

0238

the young man to the reformatory. It was my intention to plead for him to the Judge before whom he would be arraigned for sentence.

I never was informed of the time or place of such arraignment. The first knowledge I had of the disposal of the case was a letter from the boy telling me that he had been sentenced by Recorder Frederick Smyth, at General Sessions, New York City, to a term of two years and eight months in the State Prison. He was sent to Sing Sing, from whence he was afterwards transferred to his present place of incarceration at Auburn. Sentence was passed on the 25th day of May 1889, on the prisoners plea of guilty to the crime of larceny in the second degree.

I now humbly and earnestly beg for the interposition of Executive clemency in behalf of this unfortunate child of mine. He is in poor health and when I last heard of him was in the prison hospital at Auburn. I fear that he will not live if his imprisonment continues much longer. He is not a thief naturally—was never guilty of the commission of any crime against others, and I suppose in his abnormal condition of mind he thought it was no offence to take property from me, his mother. His character was good. He freely acknowledged his fault when arrested and caused the authorities no trouble. He has been badly punished, and I respectfully submit to your Excellency, punished enough for the crime. I do not attempt to excuse his action, but I pray for mercy for him and mercy for me.

Under the circumstances, I earnestly ask your favorable action on this petition.

and remain

Very Respectfully,

Your obedient servant

Margaret Davenport.

New York June 5th, 1890.

**POOR QUALITY
ORIGINAL**

0239

City and County of New York ss:

Margaret Davenport being duly sworn says she
is the petitioner above named. That the statements made in
the foregoing petition are true of her own knowledge.

Sworn to before me this:

6th, day of June 1890. :

Margaret Davenport

William H. Townley

Notary Public

N. Y. Co.

POOR QUALITY
ORIGINAL

0240

W. F. Quirk

1000

W. H. Soerwiler
112 Tribune Building
(1574 Nassau St.)
New York City

**POOR QUALITY
ORIGINAL**

0241

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

June 23, 1890.

Sir:

Application for Executive clemency having been made on behalf of William F. Quirk who was convicted of Grand Larceny 2nd degree in the county of New York and sentenced May 24, 1889 to imprisonment in the Sing Sing Prison for the term of two years, eight months. I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

J. S. Williams.

Private Secretary.

Hon. John R. Fellows,

New York City.

POOR QUALITY
ORIGINAL

0242

Ans. June 26/90
Wm. H. Durr

Strongth

63/1000

POOR QUALITY
ORIGINAL

0243

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William F. Quirk

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

William F. Quirk
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

William F. Quirk
late of the *Seventh* Ward of the City of New York, in the County of New York
aforesaid, on the *seventh* day of *May* in the year of
our Lord one thousand eight hundred and eighty-*nine* in the night time of the same day,
at the Ward, City and County aforesaid, with force and arms,

*three sugar-bowls of the value
of five dollars each, and three
butter dishes of the value of
five dollars each*

of the goods, chattels and personal property of one *Margaret Davenport*

in the dwelling-house of the said

Margaret Davenport

there situate, then and there being found, from 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.

POOR QUALITY
ORIGINAL

0244

SECOND COUNT—

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

William F. Quirk
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

William F. Quirk

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

*three sugar bowls of the value
of five dollars each, and
three butter dishes of the
value of five dollars each,*

of the goods, chattels and personal property of one

Margaret Davenport

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said

Margaret Davenport

unlawfully and unjustly, did feloniously receive and have; the said

William F. Quirk

then and there well knowing the said goods, chattels and personal property to have been
feloniously stolen, taken and carried 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.