

0707

BOX:

180

FOLDER:

1823

DESCRIPTION:

Upton, Ellen

DATE:

06/09/85



1823

0700

No 101

W. H. [Signature]

Counsel,
Filed *9* day of *July* 188*8*
Pleads *Not Guilty (10)*

THE PEOPLE
vs.
B
Ellen Upton
KEEPING A HOUSE OF ILL FAME, ETC.
(Sections 823 and 885, Penal Code.)

RANDOLPH B. MARTINE,
Dr New 4/16 District Attorney.
D. d. dismissed -

A True Bill.

A. M. [Signature]
Foreman

Witnesses:

John Carawan

4 - Paid

*In New 4/16. The defen-
dant having been tried &
acquitted for this day & was
New Chap going out of
the bank north, and the
evidence in this case
being in my opinion in-
sufficient to sustain a
conviction - I recommend
that this indictment be
dismissed -
George T. Bell
*G. T. Bell**

0709

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

1 District Police Court.

Ellen Upton 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. Ellen Upton

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. Ireland

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

Answer. 21 Roosevelt St. 7 years

Question. What is your business or profession?

Answer. House Keeper

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 and demand a trial by jury
Ellen X Upton
mark

Taken before me this

day of

1888

Police Justice.

0710

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 Ellen Upton

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 50
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 5 June 1885 Sam'l C. Reilly Police Justice.

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

Dated 5 June 1885 Sam'l C. Reilly 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.

0711

192-585

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Cavanah
4 Precinct
Ellen Winton

Offence Disorderly
House

BAILED,

No. 1, by Thomas Brown
Residence 16 Roosevelt Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated 5 June 1885

Daniel O'Reilly Magistrate.
John Cavanah Officer.

Witnesses Thomas Shaw
4 Precinct.

No. 90 South Street.

No. Street,

No. Street.

\$ 5.00 to answer 5 Sessions.

Bailed

0712

Sec. 322, Penal Code.

18th District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Canavan
of No. 14th Precinct Police Street, in said City, being duly sworn says,
that at the premises known as Number 21 Rosemead Street,
in the City and County of New York, on the 4 day of June 1885, and on divers
other days and times, between that day and the day of making this complaint

Ellen Upton (now here)
did unlawfully keep and maintain and yet continue to keep and maintain a House of Ill
Game and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and ~~resort to drinking, smoking, fighting, disturbing~~ the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said Ellen Upton
~~and all vile, disorderly and improper persons found upon the premises, occupied by said~~

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

Sworn to before me, this 5 day
of June 1885

Samuel C. Kelly Police Justice.

John Canavan

0713

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edwin Weston

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

Edwin Weston

(Section 322,
Penal Code.)

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

The said *Edwin Weston*

late of the *South* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *June*, in the year of our Lord one thousand eight hundred and eighty-*five*, and on divers other days and times as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Edwin Weston

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT.—

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

Edwin Weston

(Section 885,
Penal Code.)

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

The said *Edwin Weston*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *June*, in the year of our Lord one thousand eight hundred

0714

and eighty- *seven*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill governed house, and in *the* said house, for *the* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.—

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

Ethan Weston

(Section 822,
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Ethan Weston*

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

RANDOLPH B. MARTINE,
District Attorney.