

0388

BOX:

213

FOLDER:

2111

DESCRIPTION:

Upton, Ellen

DATE:

03/03/86



2111

POOR QUALITY ORIGINAL

0389

#18

Witnesses:

*A. Crook*

Counsel, *C. M. [unclear]*  
Filed *3* day of *March* 1886  
Pleads *Not guilty*

THE PEOPLE  
vs.  
*Ellen Upton*  
(2 cases)

ASSAULT IN THE THIRD DEGREE.

(Section 219, Penal Code.)

RANDOLPH B. MARTINE,  
*Chas. W. [unclear]* District Attorney.

*Chas. W. [unclear]*  
Filed *7 305.*

A True Bill.

*Chas. B. [unclear]*

Foreman

*May 11<sup>th</sup>*  
*1886*

**POOR QUALITY ORIGINAL**

0390

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*Ellen Upton*

being duly examined before the undersigned, 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 *he* 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 Upton*

Question How old are you?

Answer *41 years of age*

Question Where were you born?

Answer *Ireland*

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

Answer *65 Rose Street*

Question What is your business or profession?

Answer *Housekeeper*

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 demand a trial by jury at the Court of General Sessions*

*Ellen Upton*  
*Wm*

Taken before me this

*27<sup>th</sup>*

1888

*J. M. M. Justice*

16990

Police Court 1 District 260

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Boverman  
4 Precinct  
Ellen Upton

1  
2  
3  
4  
Offence Assault

Dated Feb 27 1886

Magistrate  
Conran  
Officer,  
4  
Precinct.

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

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

No. \_\_\_\_\_ Street \_\_\_\_\_  
to answer

John Boverman



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 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 Feb 27 1886

John Boverman  
Police Justice.  
Ellen Upton

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

Dated Feb 27 1886

John Boverman  
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.

0392

**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 Weston*

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

*— Ellen 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 *Ellen Weston,*

late of the *Fourth* Ward of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*two*, 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

*— Ellen 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

*— Ellen Weston —*

(Section 385,  
Penal Code.)

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

The said *Ellen Weston,*

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

and eighty-~~two~~, — 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 ~~her~~ 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

— *Edwin Victoria* —

(Section 322,  
Penal Code.)

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

The said *Edwin Victoria,*

late of the Ward, City and County aforesaid, afterwards, to wit: on the ~~fourth~~ *fourth* day of ~~January~~ *January*, in the year of our Lord one thousand eight hundred and eighty-~~six~~ *six*, 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 ~~her~~ — 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.

**POOR QUALITY ORIGINAL**

0394

# 17

Counsel, *Chapman*  
Filed *3* day of *March* 1886  
Pleads, *Admitted* 4

THE PEOPLE  
vs. *B*  
*Ellen Lytton*  
*(2 cases)*

(Sections 323 and 385, Penal Code.)

KEEPING A HOUSE OF ILL FAME, ETC.

RANDOLPH B. MARTINE,  
*District Attorney.*

**A True Bill.**

*Chas. B. Roberts*  
*Foreman*

Witnesses:

*F. J. King*  
*Off. Secretary*

POOR QUALITY ORIGINAL

0395

*Fisk*  
POLICE COURT, ~~FOURTH~~ DISTRICT.

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

*Francis J. King*  
of No. *67 Rose* Street, being duly sworn, deposes and says,

that *Ellen Mpton* (now present) is the person ~~of that name~~  
mentioned in deponent's affidavit of the *25* day of *February* 18*86*  
hereunto annexed. *By the name of Jane Rose*

Sworn to before me, this *27<sup>th</sup>* day of *February* 18*86* *Frank J. King*

*Solomon B. Smith*  
POLICE JUSTICE.

**POOR QUALITY ORIGINAL**

0396

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

POLICE COURT, 1 DISTRICT.

Edward Shulvey

of 4<sup>th</sup> Precinct Police Street, being duly sworn, deposes and says,

that on the 26<sup>th</sup> day of July 1886

at the City of New York, in the County of New York, deponents arrested

Ellen Lepton and Bartholomew Lepton, both now here, within premises 65 Rose. That said premises is a home of assignation and said deponents keep, maintain and conduct the same. That frequent complaints are made at the Station House by persons who have been robbed in said premises, and when deponents arrested them there was never

Shulvey deposes in this  
1886  
Police Justice.

**POOR QUALITY ORIGINAL**

0397

Females who are known to frequent  
as common prostitutes and night  
walkers within said premises.  
Sworn to before me this  
27 day of July 1886  
John D. Smith Edward Sharkey  
Magistrate

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 1886

Magistrate.

Officer.

Witness.

Disposition

**POOR QUALITY ORIGINAL**

0398

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

*Ellen Mpton* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is *h<sup>er</sup>* right to make a statement in relation to the charge against *h<sup>er</sup>*; that the statement is designed to enable *h<sup>er</sup>* if *h<sup>e</sup>* see fit to answer the charge and explain the facts alleged against *h<sup>er</sup>* that *h<sup>e</sup>* is at liberty to waive making a statement, and that *h<sup>er</sup>* waiver cannot be used against *h<sup>er</sup>* on the trial.

Question. What is your name?

Answer. *Ellen Mpton*

Question. How old are you?

Answer. *41 years of age*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *65 Rose St. I don't live there*

Question. What is your business or profession?

Answer. *Housekeeper*

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 demand a trial by jury at the Court of General Sessions.  
Ellen Mpton  
M<sup>att</sup>*

Taken before me this

*27*

*John J. ...*

Police Justice.

**POOR QUALITY ORIGINAL**

0399

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*Bartholomen 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 *Bartholomen Upton*

Question. How old are you?

Answer *47 years of age*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *65 Rose Street, about a month*

Question What is your business or profession?

Answer. *Carpenter*

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 demand a trial by jury at the Court of General Sessions  
Bartholomen Upton*

Taken before me this

*27*

188

*John W. ...  
Police Justice.*

0400

Sec. 151.

Police Court— 10th District.

CITY AND COUNTY }  
OF NEW YORK, } <sup>SS</sup> *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 Francis J. King of No. 67 Rose Street, that on the \_\_\_\_\_ day of \_\_\_\_\_ 1886, at the City of New York, in the County of New York, Jane Doe did keep and maintain at the premises known as Number 65 Rose Street, in said City, a House of Assassination and 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 there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain ~~drinking dancing 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.

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 body of the said

Jane Doe and all vile, disorderly and improper persons found upon the premises occupied by said Jane Doe and forthwith bring them before me, at the 10th 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 25th day of February 1886

Samuel Smith  
POLICE JUSTICE.

0401

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated \_\_\_\_\_ 188

\_\_\_\_\_ Magistrate

\_\_\_\_\_ Officer.

\_\_\_\_\_ Precinct.

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

\_\_\_\_\_ Officer.

Dated \_\_\_\_\_ 188

This Warrant may be executed on Sunday or at  
night.

*Salou B. Smith*  
Police Justice.

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.

The within named

POOR QUALITY ORIGINAL

0402

J. O. M.

BAILED

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

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

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

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

Police Court 1 District 260

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Mercy Lewis  
677 Ave  
Ellen Upton  
Great Upton

Offence Keeping a Disorderly House

Dated Jan 27 1886  
Magistrate Shawling  
Officer H  
Precinct \_\_\_\_\_

Witnesses Edward J. Shubing  
Alfred Police  
Ellen Upton  
Wm. G. Smith  
Wm. J. Smith  
to answer Edward

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 and Bartholomew Upton  
guilty thereof, I order that they be held to answer the same and they 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 they give such bail.

Dated Jan 27 1886 Solomon Smith Police Justice.

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

Dated Feb 27 1886 Solomon Smith Police Justice.

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

Dated Jan 27 1886 Solomon Smith Police Justice.

**POOR QUALITY ORIGINAL**

0403

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park.  
When you arrive at the witness-room, hand this Subpoena to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To *W. J. Purlando*

of No. *100 E. 43* Street.

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the *3* day of *March* inst., at the hour of *10½* in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

*Ellen Upton Etal.*

And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall, in our said City, the first Monday of *March* in the year of our Lord, 188*6*.

RANDOLPH B. MARTINE, *District Attorney*

**POOR QUALITY ORIGINAL**

0404

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's officer or clerk in the witness-room, know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court can enforce your attendance and fine you

If you are ill, when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know — unless otherwise advised—that the Grand Jury do not care to examine you;—and you may then retire; mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire up stairs, in the District Attorney's Office if you are wanted again, and when.

*State of New York,*  
*City and County of New York,* } ss.

.....  
being duly sworn, deposes and says he .....

Subpoena, of which the within is a copy, upon .....

..... on the ..... day of

..... 188 by Frank Social .....

vention of Oratory .....

does not prose- .....

this case. .....

.....

Sworn to before me, this }  
day of 188 }

*Notary Public,*  
*N. Y. Co.*

**POOR QUALITY  
ORIGINAL**

0405

**Grand Jury Room.**

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PEOPLE

vs.

*Ellen Upton et al*

---

*J J King ✓  
off S helvey ✓*

**POOR QUALITY ORIGINAL**

0406

Sec. 322, Penal Code.

District Police Court.

CITY AND COUNTY OF NEW YORK,

*Francis J. King*

of No. 67 Rose Street, in said City, being duly sworn says, that at the premises known as Number 65 Rose Street, in the City and County of New York, on the 24th day of February 1886, and on divers other days and times, between that day and the day of making this complaint

*Jane Doe*

did unlawfully keep and maintain and yet continue to keep and maintain a house of Assignment 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 remain ~~drinking, dancing, 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 Jane Doe and all vile, disorderly and improper persons found upon the premises, occupied by said

*Jane Doe*

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

Sworn to before me, this

25th day of February 1886

*Frank J. King*

*Soldier Smith*  
Police Justice

**POOR QUALITY ORIGINAL**

0407

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Francis J. King*  
vs.

*Jane Doe*

Dated \_\_\_\_\_ 188

*Smith* Justice.

\_\_\_\_\_ Officer.

\_\_\_\_\_ Precinct.

AFFIDAVIT—Keeping Disorderly House, &c.

WITNESSES :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POOR QUALITY ORIGINAL**

0408

Police Court— First District.

CITY AND COUNTY }  
OF NEW YORK } ss.

of No. 4<sup>th</sup> Precinct Police Street, aged 32 years,  
occupation Police officer being duly sworn, deposes and says, that  
on the 27<sup>th</sup> day of February 1886 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by Ellen Upton, Mrs  
Mrs. who struck deponent a violent  
blow on the face with one of her  
fists, while deponent was conveying  
her from the Police Court to the prison,  
deponent being so Beaten  
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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this 27  
day of February 1886 } John Bonovan  
Edouard Smith }  
Police Justice.

POOR QUALITY  
ORIGINAL

0409

Court of General Sessions

The People

-vs-

Ellen Upton

} Indictment for keeping a  
disorderly house

City and County of New York

Edward J. Chalvey being duly sworn says. I am a member of the Police Force of the City of New York. I am connected with the Fourth Precinct as Detective.

I know the premises Number 65 Rose Street in the City of New York. The defendant does not reside or carry on any business at said place, and there is no disorderly house kept there since the arrest of the defendant herein.

Sworn before me this  
4<sup>th</sup> day of May, 1886.  
D. H. Canullo  
Notary Public  
City & County of N.Y.

} Edward Chalvey

**POOR QUALITY  
ORIGINAL**

04 10

District Attorney's Office.

Part One

PEOPLE

vs.

Ellen Upton

May 11

Served as  
entered

May 6  
Bail & return  
Notified

P42

**POOR QUALITY  
ORIGINAL**

0411

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Eden Weston*

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

*Eden Weston*

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

The said

*Eden Weston,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *27<sup>th</sup>* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, in and upon the body of one *John Conover,* in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *injure* the said *John Conover,* did then and there unlawfully beat, wound and illtreat, to the great damage of the said *John Conover,* 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.**