

0268

BOX:

16

FOLDER:

195

DESCRIPTION:

Upton, Bartholomew

DATE:

06/14/80



195

63-

Filed 14th day of June 1880
Plends Not Guilty

THE PEOPLE
vs.
Bartholomew Upton.
I.
Assault and Battery—Felonious.
Firearms.

BENJ. K. PHELPS,
District Attorney.

A True Bill.

H. W. Wiley

Foreman.
Part 2. June 16-1880
Plends - A. & B.

1. *Ben F. S.*

0269

0270

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

Form

POLICE COURT—FIRST DISTRICT.

of No. the 14th Precinct Street, being duly sworn, deposes and says,
that on the 3rd day of June 1880

at the City of New York, in the County of New York, he was violently and feloniously assaulted and
beaten by

Bartholomew Upton now present.

That said Upton did willfully
and maliciously point and
~~aim~~ a ~~revolver~~ pistol loaded
with powder and lead at this
deponent saying as he did
addressing this deponent, You son
of a bi-~~ch~~ I will shoot you

Deponent believes that said ~~injury~~ ^{assault} as above set forth, was inflicted by said

Bartholomew Upton

with the felonious intent to take the life of deponent, or to do h^{im} 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 dealt with accord-
ing to law.

Thomas Lancer

Sworn to, before me, this

day of

June

1880

Police Justice.

0271

Police Court—First District.

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

Bartholomew Upton being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was at
liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Bartholomew Upton

Question. How old are you?

Answer.

3 years

Question. Where were you born?

Answer.

Malta

Question. Where do you live?

Answer.

21 Rosevelt St.

Question. What is your occupation?

Answer.

Carpenter

Question. Have you anything to say, and if so, what—relative to the charge
here preferred against you?

Answer.

I am not guilty
B. Upton

Taken before me, this

3rd
day of March 1897

POLICE JUSTICE.

0272

COUNSEL FOR COMPLAINANT.

Name,.....

Address,.....

COUNSEL FOR DEFENDANT.

Name,.....

Address,.....

Police Court — First District.

AF FID A VIT — Felonious Assault & Battery

THE PEOPLE &c.,

ON THE COMPLAINT OF

James W. Cancer
4 18 1888
Bartholomew Coffin

1.
2.
3.
4.
5.
6.

Dated *June 3* 18*88*

Smith Magistrate.

Cancer Officer.

Clark Clerk.

Witnesses,

244 23rd Street

Christina Bolin

129 Baxter Street

Don to answer

Com at General Sessions.

Received at Dist. Atty's Office,

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

CITY AND COUNTY } ss.
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

Bartholomew Upton

late of the City of New York, in the County of New York, aforesaid,

on the *thirde* day of *June* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* with force and arms, at the City and
County aforesaid, in and upon the body of *Thomas Lancer*
in the peace of the said people then and there being, feloniously did make an assault
and to, at and against *him* the said *Thomas Lancer*
a certain *pistol* then and there loaded and charged with gunpowder and one
leadен bullet, which the said *Bartholomew Upton*
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 *Thomas Lancer*
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 Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said

Bartholomew Upton

with force and arms, in and upon the body of the said *Thomas Lancer*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *Thomas Lancer*
a certain *pistol* then and there loaded and charged with gunpowder and one
leadен bullet, which the said

Bartholomew Upton

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 attempt to discharge,
with intent *him* the said *Thomas Lancer*

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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

Bartholomew Upton
with force and arms, in and upon the body of the said *Thomas Lances*
then and there being, wilfully and feloniously, did make an
assault and to, at and against *him* the said *Thomas Lances*
a certain *pistol* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistol* the said
Bartholomew Upton
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there shoot off and discharge,
with intent, then and there, thereby *him* the said *Thomas Lances*

wilfully and feloniously then and there to injure, 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

Bartholomew Upton
with force and arms, in and upon the body of the said *Thomas Lances*
then and there being, wilfully and feloniously, did make an
assault and to, at and against *him* the said *Thomas Lances*
a certain *pistol* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistol* the said
Bartholomew Upton
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there attempt to shoot off and
discharge, with intent, then and there, thereby *him* the said

Thomas Lances
wilfully and feloniously then and there to injure, 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.

BENJ. K. PHELPS, District Attorney.