

Jefferson County Circuit Court - Justice of the Peace
Case Files - Criminal
September 1871

Box 29 Folder 3

State

vs.

John Morgan

Assault with intent to kill

Assaulted Charles Wilburn, African
American, with an ax; ruled self
defense by J. H. M. Parker; testimony

State warrant.

State of Missouri, }
County of Petterson, } ss.

The State of
Missouri to the Sheriff or any
Constable of said County. —

Greeting: —

Whereby complaint
has been made before me, one of
the Justices of the Peace in and for
said County, upon the oath of
Charles Wilburn

That one man known and
called John Morgan, did —
strike with an ax in his hand,
Charles Wilburn — said blow
in the breast & on the back
of Charles Wilburn — ^{with intent to kill} which
blow from the hands of John
Morgan on the back & breast
of Charles Wilburn it is feared
will prove fatal. — This on the
2^d day of September A. D. 1871 at
4 in the house of Mrs Cynthia Wilburn
in Leff Co, Mo.

There are therefore to command

you to take the said John Morgan
if he be found in said County
and take and safely keep the
said man known & called
John Morgan so that you
have him held before me, or
some other Justice, to answer
the said complaint and be further
dealt with according to Law. -

Given under my hand this the
2^d day of September A.D. 1871
in Jeff. Co. Mo.

H. M. Parker
Justice of the Peace

State Warrant.

State of Missouri
-vs-

John Morgan

Issued Sept. 2^d 1871

Justice Parker Fees .85
Sheriff's Marsh Fees } 1.00
4 miles } 35

\$2.20

Filed Sept 23. 1871

W. B. Parker

Executed the within writ by leaving the body of
John Morgan before Justice H. M. Parker on this the 2^d day of
September A.D. 1871. John. Williams Sheriff
J.B. Hutch
J.B. Hutch

Affidavit for State Warrant.

State of Missouri, }
County of Jefferson, } ss.
Before H. M. Parker
Justice of the Peace for Jefferson
County Mo. personally came
Charles Wilburn
who being duly sworn according
to law depose and says:—
That on the afternoon of Saturday
the second day of September
A.D. 1871 a man known by
the name and called John
Morgan did strike with
an A+ in his hand Charles
Wilburn in the breast & body
^{with an intent to kill}
which it is believed will prove
to be a mortal wound—said
Charles Wilburn is badly bruised
& mangled about the breast &
face & throws up blood.— This
in Mrs. Cynthia Wilburns home in Jef-
ferson County Mo. Charles ^(seal)
sworn to and subscribed before
me, in the County of Jefferson, this second
day of September A.D. 1871. —

H. M. Parker
Justice of the Peace

THE STATE OF MISSOURI,

COUNTY OF Jefferson



TO
COUNTY OF *Jefferson*
Christy Witham
Wilburn, Cedar

Emma Morgan, Cheryl
Wilhelm

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for Little Rock Township, in the County of Jefferson or therein on the 15 day of Sept 1894

ST. JAMES

from of school ME, at his office in said Township, to testify on the trial of a case wherein Suee Cerny, et al Charles Wilkins is plaintiff, and John Morgan is defendant.

on the part of the

; and of this you are not to fail at your peril.

Given under my hand, this

10-11

day of

September

18

He, Mr. Fowler

Justice.

Served the within Subpoena By
 Reeling the same to ^{B.} Cynthia Wilbern
 Emma Morgan & Charles Wilbern and
 Adelia Wilbern this 4 day of Sep.

John Williams Sheriff
 Subpoena for
 By J. B. Webb Deputy

1871

Justice

Sherrill 2.00
 Fees
 Wagon 20 1.80
 3.90

— 25

Filed Sept 23^d 1871
 Wm. B. Rye clerk

SUBPOENA.

THE STATE OF MISSOURI, } ss.
COUNTY OF Lephrim
TO Dr R. B. R. 1878

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for Lephrim Township, in the County of Lephrim on fourth day of Sept 1878, at the

hour of o'clock at, at his office in said Township, to testify on the trial of a case wherein State Charles Wells is plaintiff, and Lephrim Manager is defendant,

on the part of the State; and of this you are not to fail at your peril.
Given under my hand, this 4 day of Sept 1878

H. M. Emms Justice.

I served the within Subpoena
 on J. B. Riff
 the 13th day
 the 4th day

vs. John. Williams
 Sheriff
 J. B. Prop
 Deputy

SUBPOENA.

Subpoena for

Big Reading
 Justice
 35-
 50
 85

Filed Sept 23. 1871
 Wm. B. Riff

P. 1.

State of Missouri }
County of ~~Washington~~ } Assault with intent
John Morgan } to kill. — Before
H. M. Parker J. P.
Examination.

State of Missouri }
County of Jefferson } set.

On this 4th day
of September A. D. 1871, came —
Sinky Wilburn of Sevier County, and
being sworn says. — Well when the
both came up to the ^{John came first.} ~~the house~~ ^{both} came
~~up together.~~ and when John came to the
house he called for his dinner,
and dinner was already on the table.
I told him to wait a few minutes until
Charley came and then should both eat-
together, then he sat down to the table
and commenced to eating, and then called
for his cloths, asked me to give him
his cloths, and I went and got his
cloth and put them in the carpet-
sack for him, and then he commenced
abusing me, and said g- d. you
you have persuaded my wife not
to live with me, and then Charley spoke
to him and said Johnny havent I always
been a good friend to you. Johnny answers
was yes Charley you have, then
Charley said well Johnny you must not
suffer on my mother I must take my
mother's part, John cut up at such
a terrible rate then they ^{Charley} ~~both~~ rose

P. 2

and Clinched John, who was already
up from the table this was in my house
and Charley told John to get out of the
house if he did not he would make
him get out and he goes to a drawer
and gets a knife but it was nothing
but a case knife in trying to get John
out we got both of them out, and then
they fought and tried to grab the axes
at the same time and I saw they were
both after the axes and I run and grabbed
the axes in both hands. They took the
axes away from me, and John grabbed
me by the arm and bit me, and then
they both struck a lick with the axes
John had an axe and Charley had an ax
but Charley did not hit John. Then he
struck Charley and Charley fell. My
reply was to John you have killed
Charley, John a reply back was of- d-
you I havent killed Charley, none
of your g- d- foolishness about me,
then he started off as merry as a
bird, he went off and stayed a while and
came back again. Then I went off a
few minutes, and came back and Charley
had walked up to the house, and John
was with him I dont know how he got
up there, then we got him down in
the shed and John came back again
he went off again he went off the third
time, and when he came back he

P. 3.

had a club in his hand, when he came I just expected from his look there was a battle my life had to be taken. Charley says John I would not have thought you would have treated me this way. he cursed and went on to a great manner then, and he reeled down to the side of me as if I was a going to pick up a rock but I was too chicken hearted to do what I ought to have done with it. Says he by G. I old lady shot if you feel like it, then I asked the Dr to please take him a way so I could get shot of him the last time. John was gone about a quarter of an hour.

This all took place at my house Saturday afternoon about 3 o'clock.

When he came back the third time he appeared very cross and angry.

Did you forbid him to not come in your house. I did and when he come back he would curse and rip around. And when he did leave he was just as mad as he was at first.

Cross. Examination

When did you say this difficulty occurred?
between 2 & 3 o'clock Saturday evening.
Where did it occur?

at Place Creek right in my house.
Did you say you waited driven for

P 4,

Charley - and John?

I waited dinner for Charley and John.
John came in and sat down & told him
to wait for Charley.

How did you say that difficulty started?
I said it started from the husband
of John to me.

and Charley say John you must
not interfere in my mother. haven't
always been a friend to you & John
replied yes.

Where was Charley at this time?
Sitting at the dinner table.

Where was John.
Sitting at the table too. he
which one raised first -
John.

How long after John raised
before Charley raised.

It was more than a couple of
moments.

Which one spoke first?
John spoke first.

What did he say?

Well he commenced abusing me.

and Charley says John this is my mother
and I must protect my mother.

What was the next step taken
the went right in to fighting again.

Which one of them spoke the
first after the Clinched

I don't know they was both talking together.

P. 5.

Charley told John to get out of the House if he didn't he would put him out.

you say Charley went to the drawer & got a knife?

he did.

Am trying to get John out the both went out together, in a scuffle.

Did Charley still hold on to the knife? He threw it down in the yard after he got out.

Which one of the men reached for the ax first?

I cant tell which went for it first. The both had an ax in their hands.

Didnt you say ~~that~~ Charley reach for the ax first?

No Sir did not I said the both had an ax at the same time.

Which one of them struck first?

Charley struck first, he did not strike John but hit at him.

Who struck Charley?
John Morgan.

When John struck Charley, you say he fell? — He fell. What did you say when he fell? I run and cryed out — you have kill Charley.

Do you remember what you sayed when Charley fell? I sayd you have killed Charley and run and cryed out murder to my master & neighbor.

Do you say John started away merry as a bird
I did.

you went a way. and stayed a few
minutes. & when you come back Charley was at
the House. yes we laid him down in the
shade. ~~Who~~ helped him to the shade? when
he come to he walked to the shade.

Who sent for the Dr?
I sent for the Dr

by Caldwell

Syntha dont Charley live with you and
help you to attend to your business & to make
a living? yes sir he does.

He attends to your business and help you to
make a living & he is your protector.

yes sir he is, I have got another
son but looks to Charley for protection,
Synthy has got money any right or is his
home at your house -

No Sir

His residence or his home is not far from
you -

He Sir,
Synth^{Mr} Wilburn

Attest, L. J. Allen

Saw to and subscribed
before me, this 4th day of Sept.
1871. H. M. Parker

Examination
State of Mo }
County of Jefferson } on this 4th
day of September
Dr A D Legg
of Lawful age Sworn Says

Q. Are you acquainted with Jas Morgan
a yes. and with Florby Wilber
2 Where do they live do they live in
Co of Jeff & State of Mo. yes

They live about 4 ^{Wash} Mils from
Sul Springs Co of Jefferson
& State of Mo
I was called upon on Saturday &
found Flor Wilber Lay on his
back & inflicted with 2 wounds
1 on the mouth the other on the
Brest, 1stly he was cut perpendicular
across the mouth & fractured
the Superior Maxillary on the left
Knocked out one tooth Below
there was a wound on his Brest on
the Right about 3 inches in
length it was cut through to the
inner membrane Right over the
Collar Bone. When I got there
Mrs Wilber was keeping Jlas

off & keeping treasure to the
ground. Geo & his wife was
letting out a Rock Run together
w/ Geo & Charley. Not out of danger

Sworn out and subpoenaed
before me this 4th day
of Sept. 1871

H. M. Parker J.,
11

Dr. Pizz

I have charged referee to answer any
attentions.

H. M. Parker J.,

Evidence,

State of Missouri

John vs Morgan

Assault with attempt

to Kill before

H. M. Parker D.P.

Sept. 4 - 1871

Lebl Co, Mo

Filed Sept 23. 1871

W. S. Boyce cler

Transcript.

State of Missouri,

— vs —

John Morgan, }

John Morgan ^{acc} charged with —
Assault with intent to Kill one
Charles Wilburn ^{col} Sept. 2^d A.D. 1871
in Jeff. Co. Mo. —

Examination held before H. M.
Parker J. J. Sept. 4th 1871. —

Warrant issued the 2^d day of September
A.D. 1871. upon the Complaint and
oath of Charles Wilburn for the Crime
of assault with intent to Kill — and
directed to Deft. Sheriff T. B. Moss —
of Jeff. Co. Mo.

Warrant returned Sept 2^d A.D. 1871
executed by having the body of the said
John Morgan before the Justice.
And on the 2^d day of Sept. 1871 witnesses
for the State not appearing the
examination is laid over & set
for Sept. 4th 1871

And on this 4th day of September A.D.
1871. the Justice having heard the
Evidence and read the same
to writing on the same day. adjudges
that the Prisoner John Morgan be

Discharged from Custody, as it appears
to the Justice that he John Morgan
acted in Self-defence. —

The Justice (in the absence of the ~~State~~
County Attorney who could not be
had in time) Appointed Charles
Cadwalder Esq. to prosecute for
the State. —

Prisoners Counsel William P. King,
H. M. Parker J.P.

State of Missouri }
County of Jefferson } Sct.

I H. M. Parker
do Certify the foregoing to be a true and
complete Transcript from the entries
on my docket, — in the case of the State of
Missouri vs. — John Morgan and a
Charge of Assault with intent to
kill, and the Examination of the
witnesses, & Prisoner, and all the —
papers before me, are attached
hereto & herewith returned. —

Given under my hand, this 5th day
of September A.D. 1871.

H. M. Parker
Justice of the Peace.
"

State of Missouri	} Before H. M. Parker
- vs -	
John Morgan	
State of Missouri	
County of Jefferson	Justice of the Peace for
	Deft. Co. Mo. on a charge
	of Assault with intent to
	Kill. Sept 2 to 4 - 1871

Bill of Costs.

Justice H. M. Parker's Fees ————— \$8.90

Docketing Suit	.35
Applicant for warrant	.80
Issuing warrant	.35
" 2 Subpoenas	.70
3 oaths	.15
Continuance	.35
Writing Evidence	4.00
Transcript of Records	2.50

Deft. Sheriff T. B. May's Fees ————— \$13.25

Serving State warrant	1.00
Mileage 4 m.	.85
Serving 8 Subpoenas	2.50
Mileage 20 m.	1.60
3 Days Boarding Prisoner ⁵⁰	1.80
Guarding Prisoner three days	
(2 nights) with guard	6.00

State witnesses Fees ————— \$2.00

Cirby Wilburn	.50
Emma Morgan	.50
Walter Wilburn	.50
Dr R. B. Riggs	.50

States Atty. Fees Chas Cadwallader 10.00
 Police Fees taxed \$33.70
 to the State.

I H. M. Parker Certify that there was
 probable cause for the arrest of
 John Morgan & his examination

Transcript,
State of Missouri
vs.
John Morgan

Charged with an
Assault with intent
to Kill Chas. Wilburn
Sept. 2^d A.D. 1871
Arrested before
H. M. Parker J.P.
Sept. 4 - 1871

J.P. Fees - 8.00
Sept. Sheriff T.B. May, 13.25
Witnesses 2.00
Pros. Attorney 10.00
Total Fees - \$33.25

H. M. Parker
J.P.

Filed Sept 23rd 1871

W. H. Rogers clerk

being according to Law & that
heretofore Fees necessarily accrued
& that they are correct to the
best of my knowledge. —
Lebb. Co. Mo.
Sept. 5 - 1871 } H. M. Parker
J.P.