

Jefferson County Circuit Court
Case Files - Criminal
March 1872

Box

29 Folder 28

STATE

VS

COOPER, THOMAS

Assault with Intent to Kill

Defendant allegedly attacked
Henry Stout with a knife;
Depositions enclosed; JP B.S. Reppy

AFFIDAVIT,

[ON WHICH TO ISSUE A STATE WARRANT.]

Whittlesey's Form, No. 385.

STATE OF MISSOURI,

County of

Jefferson

} ss.

Before me,

B. S. Rippey

, a Justice of the Peace within

and for the County of

Jefferson

aforsaid, personally came

Henry Stout

, who, being duly sworn according to law, deposeth

and says, that on or about the

16th

day of

December

A. D. 187*7*

in the County of

Jefferson

, and State of Missouri,*

One *Thomas Cooper (jun)* late of the County aforsaid
did assault one *Thomas Stout* With a deadly weapon
viz a *knife* and did cut and wound him the said
Thomas Stout and with malice aforethought and with
intent to kill did stab and cut him the said *Thomas*
Stout and further this deponent saith not

Henry Stout

and further this deponent saith not.

Sworn to and subscribed before me, this, the

17th

day of

December

A. D. 187*7*

B. S. Rippey

Justice of the Peace.

*Describe the offence charged to have been committed, as nearly as possible, and state who is guilty of the fact charged, or who accessory to it,—as the case may be.

No.

AFFIDAVIT.

State of Missouri
Henry Stout

VS.

Complainant.
Witness

Thomas Cooper

Assault with intent to kill
Charged With

Made Before

B. J. Rupp

J. P.

On the 17th day of Dec

A. D. 1872.

Filed Mar 5th 1872,
W. L. Boyce Clk.,
By C. H. Horne Dep.

STATE WARRANT.---(J. P.)

STATE OF MISSOURI, }

ss.

County of *Jefferson*

The State of Missouri, To the Sheriff or any Constable of said County—GREETING:

WHEREAS, complaint has been made before me, one of the Justices of the Peace in and for the

County aforesaid, upon the oath of *Henry Stout*that *One Thomas Cooper* *(son)*, late of the County aforesaid, did, on or about the *16th* day of *December*, A. D. 1871, at the County of *Jefferson**Assault one Thomas Stout with a deadly weapon
by a knife and did cut and wound him the said
Thomas ^{son} with Malice aforethought and with intent to kill and slay
and cut him the said Thomas Stout & further this deponent saith that*These are therefore to command you to take the said *Thomas Cooper*if he be found in your County, and *him* safely keep, so that you have *his* body forthwith before me, or some other Justice of the Peace, to answer said complaint, and be further dealt with according to law.Given under my hand this *17th* day of *December*, A. D. 1871.*D. S. Rapp*

Justice of the Peace.

STATE WARRANT.

STATE OF MISSOURI,

VS.

Thomas Cooper
CHARGED WITH

Assault With intent to kill
ON INFORMATION OF

Henry Stout
BEFORE ME
B. S. Repp
Justice of the Peace.

Received the within Warrant on the _____
day of _____, 187_____.

Constable.

RETURN.

I Hereby Certify that I executed the within Writ, in the County of *Shannon*
on the *20*th day of *February* 1879, by *having the body*
of the within named *Thomas Cooper* *seized* *at his office in*
Beards in Wells Township
Fee, \$ *75.00*
Wells Township
Shannon
County Wells Township

Filed Mar 5 1879,
W. S. Boyce, CLK,
By C. M. H. H. S. S.

SUBPOENA FOR WITNESS.

The State of Missouri:

To

Draught B. H. Lankham

YOU ARE HEREBY COMMANDED to be and appear personally before me,

B. S. Rippy

of Valle

, in the County of

Jefferson

on the

day of February

A. D. 1872, at the hour of ten o'clock in the forenoon of that

day, at my office in the Township and County aforesaid, to testify on the trial of a cause wherein

State of Missouri

Plaintiff,

Thomas Cooper

Defendant,

and on behalf of the Plaintiff

And hereof fail not at your peril. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my signature, this

19th

day of

Feb

1872.

B. S. Rippy

Justice of the Peace.

SUBPOENA FOR WITNESS.

State of Missouri Pl. ff.
vs.
Thomas Casper Def't.

BEFORE

B. S. Rippy J. P.

WITNESSES.

Henry Stout
Thomas Stout
Lewis Pratt
B. H. Lanham

Filed Mar 5 1872
W. S. Boyce Cl.
By C. M. Horne
Sept.

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson on the 2^d day of February 1872, by reading the same in the presence and hearing of Henry Stout, Thomas Stout, Lewis Pratt and B. H. Lanham the within named

Fee

\$ 1.00

Mileage \$ 1.35

W. M. Ashburn
Clerk

SUBPOENA FOR WITNESS.

The State of Missouri:

To Theodore L. Lammert
Sanctus B. H. Lammert

YOU ARE HEREBY COMMANDED to be and appear personally before me,

B. S. Lammert, one of the Justices of the Peace within and for the Township
of *Valle*, in the County of *Coffman* on the *fourth with*
day of *Feb*, A. D. 1872, at the hour of ten o'clock in the forenoon of that

day, at my office in the Township and County aforesaid, to testify on the trial of a cause wherein
the State of Missouri Plaintiff,
Thomas Leaster Defendant,

and on behalf of the *Defendants*. And hereof fail not at you peril. And the person or
officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying
thereon his return.

WITNESS my signature, this *19th* day of *Feb*, 1872.

B. S. Lammert
Justice of the Peace.

SUBPOENA FOR WITNESS.

State of Missouri Pl^{ff}.
vs.
Thomas Cooper Def^t.

BEFORE
B. S. Rippy J. P.

WITNESSES.

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson on
the 20th day of Feb 1872 by reading the
same in the presence and hearing of the
within named American. Sanders
J. H. Sanborn
Charles M. Winkburn
Cano
mills
Fee 50
mills 400

Filed Mar 5 1872
W. S. Boyce Cl
By C. M. Hume
Deft.

SUBPOENA FOR WITNESS.

The State of Missouri,

To Theodore Clemm
James P. Jenson

YOU ARE HEREBY COMMANDED to be and appear personally before me,

B. B. Murphy, one of the Justices of the Peace within and for the Township
of Valle, in the County of Jefferson, on the 21st
day of February A. D. 1872, at the hour of ten o'clock in the forenoon of that

day, at my office in the Township and County aforesaid, to testify on the trial of a cause wherein

The State of Missouri is Plaintiff
and Thomas Cooper is Defendant Plaintiff,in behalf of the Defendant. And hereof fail not at your peril. And the person or
officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying
thereon his return.

WITNESS my signature, this

20th

day of

February

1872.

B. B. Murphy
Justice of the Peace.

SUBPOENA FOR WITNESS.

State of Missouri Pl't.
vs.
Thomas Cooper Def't.

BEFORE

B. S. Rippy J. P.
WITNESSES:

Theodore Klem
James Pinner

Filed Mar 5th 1872,
W. S. Joyce Clerk,
By C. H. Hume Dist.

RETURN.

I hereby certify that I served the within Writ in the County of
the 21st day of Feb 1872, by reading the
same in the presence and hearing of
James Pinner and Theodore Klem the
within named
Fee 50-cts
J. H. Markham
Cans

SUBPOENA FOR WITNESS.

The State of Missouri,

To *Namoral Landrus Thomas*
Pully & Charles Thomas *Jeeps Esq*

YOU ARE HEREBY COMMANDED to be and appear personally before me,

B. S. Peppy, one of the Justices of the Peace within and for the Township
Valle, in the County of *Jefferson*, on the *21st*
 day of *February* A. D. 1872, at the hour of ten o'clock in the forenoon of that
 day, at my office in the Township and County aforesaid, to testify on the trial of a cause wherein

State of Missouri *Plaintiff* Defendant,
Thomas Cooper *vs* *Defendant* Plaintiff,
 in behalf of the *Plaintiff*. And hereof fail not at your peril. And the person or
 officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying
 thereon his return.

WITNESS my signature, this *20th* day of *February* 1872.

B. S. Peppy
 Justice of the Peace.

SUBPOENA FOR WITNESS.

State of Missouri Pl't.

VS.

Thomas Cooper Def't.

BEFORE

B. S. Pully J. P.

WITNESSES:

Ormond Sanders

Thomas Pully

Charles Thomas

R. I. M. Hughes Esq

Filed Mar 8 1872
W. L. Boyer cl
By C. M. Morine Dep't.

RETURN.

Fee

75 ct

H. W. M. M. M. M.

I hereby certify that I served the within Writ in the County of Jefferson on the 21 day of February 1872, by reading the same in the presence and hearing of Ormond Sanders Thomas Pully and Charles Thomas the within named

State of Missouri }
County of Jefferson } 38

on this 21st day of February 1872
Comes Thomas Stout of said County
and being sworn says I am acquainted
with the person ~~name~~ I was at Klemm's School
House in Jefferson Co Mo on 16th day of
Dec 1871 I saw the person there I started out
of the School House and he stepped up to me
and said he wanted to speak to me I
told him I did not wish to have any
wards there and he cursed me and
struck at me with his fist and
I stepped back and says to him
I am this is a ~~pretty~~ place to
come to raise a ~~family~~ then he stepped
up to me and kept striking at me
with his fist he had a knife in the
hand that he struck me with he then
struck me with the knife twice and
cut me in the left shoulder and on
my right wrist when he cut me on
the shoulder he swore he would
cut the damn heart out of me I
then shoved him back and jumped
out of the House - me and the person
had had trouble before that day

Cross examination

The Klem School House is about one mile
from Blackwell Station. Mr Cooper the
prisoner cut me on the 16th Day Dec 1871

I saw the knife in the prisoners hand when
he was striking at me he struck at me
with his fist and finally cut me with his
knife When Mr Cooper said he wanted ^{a word} with
me the reason that I did not wish to have
a word with him was because we had
a fuss the day before — I do not know
what kind of a knife it ^{was} but I saw the
blade of a knife sticking out of his
hand I have reasonable cause to believe
that he meant to kill me it is true that
we had trouble the day before, it was
Saturday evening that the prisoner cut me
Thomas. Spont

Subscribed and Sworn to this 21st day
of February AD 1872
B. S. Reppy J.P.

Thomas Lander of Lawful age
being sworn Says I am acquainted with
the prisoner & the ~~prisoner~~ ^{prisoner} that I live in
their neighborhood I was at the Klem
School House at the time of the fuss between
these parties at the 16th of December last
the fuss took place in the evening it was
at the time of a Religious Meeting Meeting

had just been dismissed the people were
going ^{out} of the house there were lights in the
house at the time the fuss took place
in the house the first thing I noticed
was that Cooper the prisoner was standing
at the door with his hand on the belt
Thomas Stout came walking up towards me
and Cooper I was standing near Cooper
when Stout came up Cooper said to him
I want to have a talk with you & Stout
said Cooper I don't want anything to say
to you then Cooper said Stout you
damne son of a bitch and struck him
as he spoke the word with his fist
he knocked his hat off Stout picked
up his hat and says Cooper what
do you mean then Stout jumped
back and up on a bench then Cooper
followed him he ran him around the
house around the stove and back to the
door and struck him three or four times
Stout then jumped upon a bench and says
you Cooper what do you mean a trying to
eat me with a knife Cooper say
you damne son of a bitch I will eat
your heart out and lunged at him with
a knife in his hand Stout there ran
and around back by the stove was following
up striking at him with his knife

Crass Examination

Subscribed and Sworn to before Nathan Sanders
this 21st day of Feb 1872
B. B. Remy, J. P.

105 North P. O. 3
J. W. Hughes of Lawful age being sworn
Say - I reside about one mile from the
Klein School House I have been a justice
of the peace of that Town ship about 14
Years

Witnesses for the Defendant

James Pinson of Lawfal age being
Sworn States as follows I was present
when a difficulty took place between
Thomas Cooper and Thomas Stout it
was at the Klemm School House. I do not
know what day of the month it was
it was on Saturday night. it took
place at the door I think at first the
first I saw was Mr Stout jumped upon
a bench and said to Cooper this is no
place to raise a fuss Cooper followed
Stout up Stout gave back Cooper
struck at Stout ~~at~~ I saw him strike
one lick Stout ran around the store
and came around to the door Cooper
followed him to the door I think
Stout resisted then and pushed him
back into the house Stout turned
then and went out of the door
I do not know who was in the house at
the time except Mr & Mrs Klemm I was
talking with Mr Klemm there might
have been others but I would not
like to swear to it Mr Landers might
have been in the house at the time the
fight occurred I saw him standing
near the door a little after the fight
I did not see the fuss commenced nor hear it
I saw knife I did not touch for any

I did not hear Cooper say I will cut your
dam heart out I heard some profane
language used by Cooper but do not
know what it was Now I was near
the Stone at the pass occurred - the Stone
stands near the Middle of the House
I might have heard Cooper say I will
cut your dam heart out if he used
such language if he used such words
provided I had paid strict attention
I was talking with Mr Klemm at
the time James Pissor

Subscribed and sworn to before me
this 21st day of Feb 1872

B S Reppy J. P.

Theodore Klemm

Maan Landers recalled by the Dependent
States I am brother in law to the parties
they married my Sisters

Maan Landers

Theodore Klemm of Lawful age being sworn
States as follows - I was present at the
Klemm Schoolhouse when a difficulty took
place between Thomas Cooper & Thomas Stout
I did not know what was going on I was
rapping up my Child I was standing at
the forepart of the Stone then Cooper passed
by me and then Stout passed on the
other side of the Stone going towards
the door Thomas Stout in stead of
going out of the door turned and

I was at the Klemm Schoolhaus at the time this affray took place it was on Saturday Evening at a Night Meeting a Religious Meeting the affray took place after the meeting was dismissed and the people were going out of the House the lights were still burning in the House I started out and got close to the door saw Cooper standing near the door Stout was going towards the door Cooper spoke to Stout and said I have a word with you Stout gave back a little and said I am or Cooper What do you mean this is no place to come to to have a fuss or a fight Cooper says you dam bone of a bitch and made towards him and as Stout gave back Cooper struck at him Stout ran and Cooper after him toward the back part of the House Stout turned and they had a scuffle and then Stout started out saying he has cut me all to pieces

Subscribed and sworn to before } G. W. Huggins
me this 21st day of Feb 4th 1872 }

B S Rippey J.P. }

Lewis Pratt of Lawpus age being sworn states as follows I live near Mr Klemm School House in Jefferson County I am acquainted with Thomas Cooper & Thomas Stout — I know of a fuss or difficulty that

took place between these parties at that School
House I think it was Saturday Night
there had been a religious meeting it had just been
dismissed I was in the House at the time the
deficiency occurred there was lights burning in
the House at the time the people were passing
out of the House I Cooper and Stout there
I saw Cooper strike at Stout - Stout
was standing on a bench Stout then backed
around by the Stake Cooper following
him up and striking at Stout as he
followed him the next I saw Stout
called Cooper and shoved him back
he then let go Cooper and ran out of
doors saying I am cut all to pieces
I followed Stout out and I saw him
bleeding a little from a cut on one of
his wrists He also saw that his coat
was cut on one of his shoulders
it was a small cut the next morning
I saw a cut on one of his shoulders
I do not know whether Mr Cooper was
angry or not

Subscribed and sworn to before me this 21st day of Feb 1872

B S Keppy J.P.

J. E. Pratt
Mark

Prosecution closes and the prisoner
makes any explanation of him-
self

X
Came back the next thing I saw
Tom Stout had Tom Cooper laying with
his side knuder over the bench and
he was over him like Tom Stout
let Cooper go and hallowes he has
Cut Me and with that he went out
of the Door — I do not know who
was in the house except My Wife & Two
Children & Myself I think there were
Others but I dont know who they
were

Cross Examined

from the time I first saw them until
Stout went out I had my eye on them
I saw Tom Cooper striking at Tom
Stout before Cooper was down
I do not know wheather he hit him
or not I do not know how many
persons were in the house — the first
time I saw Stout he was standing
on a Bench near the Door I suppose
Cooper made for Stout. There was when
I heard the Angery Words used
Stout then went to the back part of
the House and Cooper also: I suppose
the fact is Cooper was after Stout. then
Stout turned and went back to the Door
Cooper was there standing at the Stone

Stout then turned back and came up to
the Stove they then Clinched but who
took the first halt I do not know

Subscribed and Sworn to before me
this 21st day of Feb 1872

B. S. Peppy
Justice of the Peace

B. W. Lanham of Lawful age being Sworn
State I was at Klemm's Schoolhaus
at Early Candle Light on the 16th day of
December 1871 I cannot say that I saw
anything of the fuss between Thomas
Cooper & Thomas Stout I saw Mr
Stout out side of the House ~~out side of~~
~~the House~~ with his Coat off or partly
off and I saw the blood running down
the Arm or the Sleeve was bloody
I do not know who went up with
me

B. W. Lanham

Subscribed and Sworn to before me this
21st day of Feb 1872

B. S. Peppy J.P.

James Cooper of Lawful age being
Sworn States

Stato
John Cooper

27 215 756
26 54

Filed Feb 22 1872
W. S. Boyce Cl.
Dr. C. M. H. H. H.
Deft.

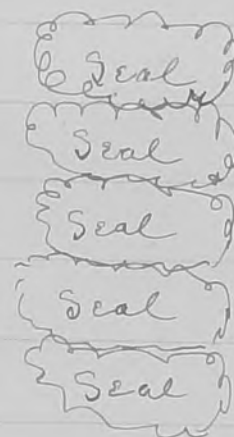
State of Missouri }
County of Jefferson } 58

Be it remembered that on this
21st day of February AD 1872
Henry Stout Thomas Stout Wacamon Landers
Lewis Pratt and G W Hughes

personally came before me B S Rippy one of the
justices of the peace for said County, and acknowledged
themselves to owe the State of Missouri the sum
of Fifty dollars \$50- ~~to be paid~~ Each & ~~severally~~
to be bound of their goods and chattels lands and
tenements to the use of the State if default be
made in the condition following following
Which condition is that if ~~that if they~~
the said Henry Stout Thomas Stout Wacamon
Landers Lewis Pratt and G. W. Hughes

shall personally appear at the next Circuit Court
to be holden in and for said County on the first day
of the term to give testimony on behalf of the
State and the truth to say touching such
matter as may be then and there required
and of them. And not depart the Court
without ^{leave of said court} then this recognizance shall be
void and of no effect Otherwise to remain
in full force and virtue in Law

Thomas Stout
Samuel Landers
Lewis ^{his} Pratt
Henry ^{mark} Stout
J W Hughes



I Taken and Subscribed before me
at my office in De Soto Jefferson County
Missouri this 21st day of February A.D. 1872

B. D. Peppy
Justice of the Peace

Recognizances of
Witnesses in the
Case where in the
State of Missouri
is Plaintiff and
Thomas Cooper
is defendant

Filed Mar 5th 1872
W. L. Boyce Clerk
By C. M. Harris Deputy

COMMITMENT.—[J. P.]



State of Missouri,

COUNTY OF

SS.

The State of Missouri to the Jailor of the County of *Jefferson* GREETING:

WHEREAS, Complaint has been made before me, a Justice of the Peace for said County, upon the oath of *Henry Stout*, that *Thomas Cooper* (and late of the County of *Jefferson* and State of Missouri, did, on the *16th* day of *December* *1871*, *did* *Assault* and *Thomas Stout* *With a deadly Weapon* *By* a *knife* and *did* *cut* and *Wound* *him* the *Said* *Thomas Stout* and *With Malice aforethought* and *With intent to kill* *did* *Stab* and *cut* *him* the *Said* *Thomas Stout*—

And whereas, the said *Thomas Cooper* was brought before me upon a warrant duly issued upon the oath of *Henry Stout*, and has been examined by me, on such charge, and required to give bail in the sum of *Five hundred* \$*500*—Dollars, for his appearance before the Circuit Court of said County, on the first day of the next term thereof, which requisition he has failed to comply with.

You are therefore commanded to receive the said *Thomas Cooper* into your custody, in the jail of the County aforesaid, there to remain until he be discharged by due course of Law.

Given under my hand this *22nd* day of *February* *1872*.

B. S. Ripley
Justice of the Peace.

COMMITMENT.

STATE OF MISSOURI,

VS.

Thomas Cooper

Charged with

Assault With intent to Kill

On information of

Henry Stout

Before me,

B S Reppy

J. P.

State of Missouri } Plaintiff
vs }
Thomas Cooper } Defendant

Warrant issued the 17th day of Dec 1871
Upon Complaint and Oath of Henry Stout
for the Crime of Assaulting one Thomas Stout
With a knife with intent to kill him the Said Thomas
Stout — Warrant returned Feb 20th 1872
Executed by having the body of the Said Thomas
Cooper before the justice — and for good Cause shown
the examination of the Prisoner was continued untill 10
o'clock the next day — And four Witnesses notified
of the Same — And on the 21st day of Feb 1872 The
Constable R. Washburn appearing in Court
With the prisoner and the Justice having
heard the evidence adjudges that Said
Defendant give bail in the Sum of Five
hundred dollars \$500⁰⁰ to appear on the
first day of the next term of the Circuit
Court for the County of Jefferson then
and there to abide untill discharged by due
Course of Law — And the Defendant
refusing to give the bail required the justice
doeth Order that the Said Thomas Cooper
be Committed to the Common jail of Said
County untill he give Security or he
be discharged by due Course of Law

B. J. Reppy
Justice of the peace

Justice J. E. S. B. Ruffy,		Constable J. E. S. R. Washburn	
Docket & Indexing	20	Arresting Prisoner	75
Writing affidavit	35	Milage while after Prisoner	50
Certifying the Same	15	Summoning 11 Witnesses	2.75
Warrant for Prisoner	35	Milage while after the Same	1.00
4 Subpoenas 35 each	1 40	Boarding Prisoner 3 days ^{60¢ per day}	1 80
1 Continuer	35	guarding Prisoner 2 days	2 50
Notifying four Witnesses of Same	1 40	for one guard two day & night	2 50
15 Oaths 5 each	75	Taking Prisoner to jail	1 00
2000 Words testimony ^{depositions}	3 00	Conveyance for Prisoner	1 50
Signing & certifying 7 Depositions	2 45	Milage while taking Prisoner	1 60
Recognizing five Witnesses 35 each	1 75	to jail & returning from jail	15.90
Rendering judgement	50		
1 Commitment of Prisoner	35		
Transcript of Docket &c	1.00		
Certificate to the Same	50		
\$14.50			

Witness Names & Fees

Henry Stout 2 day	1 00
Thomas Stout 2 "	1 00
Lewis Pratt 2 "	1.00
B. H. Lanham 2 "	1.00
Noaman Landers 1 day	50
G. W. Hughes 1 "	50
Thomas Pully 1 "	50
Theodore Klemm 1 "	50
James Penson 1 "	50
\$6.50	

State of Missouri

vs

Thomas Cooper

Transcript of Docket.

From B S Refry
J. P.

Filed Mar 3rd 1872
W. S. Poyce &
By C. H. Stone
L E M

(194)

Certificate of Justice to Transcript.

(Whittlesey's Form, 370.)

STATE OF MISSOURI, }
County of Jefferson } ss.

I, W. B. S. Rappaport, a Justice of the Peace within and for the
County of Jefferson and State of Missouri, do certify the foregoing to be a
full, true and complete Transcript of the Entries and Proceedings in the case of the State of
Missouri versus Thomas Cooper,
as the same are of record on my Docket, and that the papers thereto attached are all the original papers on file in
my office.

WITNESS my hand, this 29th day of February A. D. 1872.

W. B. S. Rappaport
JUSTICE OF THE PEACE.

No.

3403

Jefferson Circuit Court.

May

Term, 1872.

State

VS.

Thomas Cooper,

Judgment, - - \$

Date 18

Fee Book No. Page

Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.