

Jefferson County Circuit Court  
Case Files - Criminal  
January 1877

Box 36 Folder 31

State

vs.

Lawn, Frank

Arson

Burned corn belonging to  
James Duff; depositions

State of Missouri {  
County of Jefferson }

Before me John Duminigan  
a Justice of the Peace within and for the  
County aforesaid personally Came James  
Duff who being duly Sworn according  
to Law deposes and Says That on or about  
The 26 day of October AD 1876 in the County

of Jefferson and State of Missouri That  
Frank Lawton late of the County a  
foresaid did willfully Set fire to and  
Burn Corn belonging to James Duff  
and the same corn Standing in the field  
belonging to James Duff and the said  
Frank Lawton did willfully and Maliciously  
break the window of the dwelling house  
belonging to the said James Duff and  
the said Frank Lawton did willfully  
and Maliciously pull down and destroy  
a gate and did pull down and destroy  
the post bars of James Duff and the  
same being the property of James Duff  
and further This deponent Says Not

{ James <sup>his</sup> Duff  
mark  
Sworn to and Subscribed

Before me this 26 day of October AD 1876

John Duminigan

Justice of the Peace

Appointed for a

State Warrant

State of Missouri

no

Frank Lawton

Filed Oct. 30 1876  
C. H. Hoffman  
Clerk

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 James Duff that  
Frank Lawr late of the County of Jeff-  
erson did on the 26 day of October 1876  
Willfully set fire to and Burn Corn belonging  
to James Duff and did Willfully and Maliciously  
Break a window of the dwelling house of James  
Duff and did Willfully & Maliciously pull  
down and destroy a gate and did pull down and  
destroy front Bars of belonging to James Duff  
And whereas the said Frank Lawr was  
brought before me upon a warrant duly  
issued upon the oath of James Duff and has  
been examined by me on such charge and  
required to give bail in the sum of Three  
hundred 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 Frank Lawr 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 28<sup>th</sup> day of  
October 1876

John Dunningan  
Justice of the Peace

Oct 28

$$\begin{array}{r} 30 \\ 0 \overline{) 30} \\ 60 \\ \hline 31.80 \end{array}$$

State of Missouri

vs

Frank Lawton

Commitment

Filed Oct. 30 1876.  
C. H. Hoffman  
Clerk

# SUBPOENA FOR WITNESS---J. P.

[Wagner's Statutes, Page 827, Sections 1 and 2.]

**The State of Missouri,** To *John C. Hayes*  
*James Duff Johnson & James Duff Sam*

YOU ARE HEREBY COMMANDED, To be and appear personally  
before me, *John Dunningan*, a Justice of the Peace within and  
for the Township of *Meramec* in the County of *Jefferson*,  
on the *day of forthwith* A. D. 187*6*, 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,  
and *Financé Lawin* Defendant,  
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 *26* day of *October* 187*6*

*John Dunningan*  
Justice of the Peace.

# Subpoena for Witness.

*State of Missouri*  
Plaintiff.....

*Frank Larver*  
Defendant.....  
BEFORE

*J. Furnizan* J. P.

## WITNESSES:

*John Mealey*  
*James Duff*  
*James Duff senior*

*Filed Oct. 30 1876*  
*to the Marine*  
*Clerk*

FEES, \$1.00

*A. Curran*

RETURN.

I Hereby Certify, That I served the within Writ in the County of *Jefferson* on

the *29* day of *October* 1876, by *presenting to the*

*Attorney and bringing them forthwith*

30  
25  
20  
15  
10  
5

The State of Missouri to any Constable  
of the County of Jefferson Greeting  
Whereas James Duff of Jefferson  
County hath this day given information  
upon oath to me John Dungan a Justice  
of the peace within and for said County  
of Jefferson that on the 26 day of October  
A.D. 1876 last past at the County aforesaid  
that Frank Lawn late of the County  
aforesaid did wilfully set fire to and  
burn the corn belonging to James Duff  
and the same corn standing in the field  
belonging to James Duff and the said  
Frank Lawn did wilfully and Malici-  
ously break the window of the dwelling  
house belonging to the said James  
Duff and the said Frank Lawn  
did wilfully and maliciously pull  
down and destroy a gate and did  
pull down and destroy the post bars  
of James Duff and the same being the  
property of James Duff

These are therefore to Command  
you forthwith to apprehend the said  
Frank Lawn and bring him before  
me to answer the premises and further  
to be dealt with according to Law  
Given under my hand This

The 26 day of October 1876

John Demigan  
Justice of the Peace

State of Missouri  
Frank Demigan

State  
Warrant

Whereas this writ in Jefferson County this  
20 day of October 1876 by taking the within named  
defendant Frank Demigan before John Demigan  
Justice of the Peace  
A Quorum Comptable

Filed Oct. 30 1876  
C. H. Harrison  
Clerk

## No 1) Examination

State of Missouri }  
County of Jefferson } sct

On this 28 day of October AD 1876  
comes James Duff of said County and  
being sworn says that Frank Lawton  
on the 26 day of October 1876

did on the 26 October I run after one  
 met Frank Sam. He began  
 calling me a rogue and ~~was~~  
 god damn son of a bitch after  
 I <sup>had</sup> ~~heard~~ I could not stand it  
 he took runing and I took  
 after him when he got off a pin  
 he says son of a bitch I can  
 whip you any how. Then I run  
 off a pin folder then I went a  
 pin folder at the same time  
 I told him to clear out and  
 go home, I came back then  
 I saw him coming back again  
 I turned in back to keep him  
 back to keep him from coming back  
 the boys were with ~~me~~ <sup>me</sup> ~~at~~ they  
 came back, ~~when~~ when we were back  
 he was fifty yards off then  
 and ~~back~~ he pull the bars  
 down then he was in my field  
~~then he was in my field~~

he set fire to a shock and the  
shock burned up and <sup>if</sup> it was  
not put out it would <sup>A</sup> all have  
burned up and <sup>he</sup> also pulled down  
a gate, then turned up to  
the house and broke a window  
with a rock my dwelling house.  
after he broke the window he  
then went away.

Cross Examination,

~~you say it was~~ after one o'clock  
I met him about 350 yards from  
the house I took up a rock,  
after I followed him a piece  
he came back again I run  
him off the second time  
I believe the corn would all  
have burned up the field so full  
off grass, I believe it would all  
have burned up; he broke three  
lights out of my window,  
how far was the corn from the  
house; ~~3~~ 350 <sup>yards</sup> from <sup>the</sup> house,

James <sup>his</sup> Duff  
<sup>mark</sup>

Sworn to and subscribed

before this 28 day of October 1876

John Dungan

Justice of the Peace

No 2)

Page 2.

James Duff Jun of lawful age being  
sworn says Frank Lawn on the 20  
day of October 1876 did say last Thurs-  
day about one o'clock We started  
from the house We met Frank  
Lawn, I was behind my father  
I saw Frank Lawn stop I could  
not tell what he said first but  
I heard him call my father a  
son of a bitch then my father  
picked up a stick and started back  
to lawn, then Lawn picked up a  
rock and said my father could  
not bully him then he threw  
the rock back, then Lawn took  
to run, my father followed Lawn  
and I followed along too, then We  
turned back, and started to go  
down into the field to work, just  
as We got thru the bars Lawn came  
back again and We started back  
after Lawn We got about fifty yards  
and stopped We hid behind the  
trees then Lawn came back again  
When Lawn could not see any  
body around, he threw the bars down  
and set fire to a stack of corn  
We run out and yelled,

When he run up through the wheat field  
then we went back to put the fire out  
When we got back we heard hammering  
at the house. We left the other boy at  
the fire and went to the house,  
as we got to the I saw him hit the  
house under the window then he went  
off. We came up to the house. He  
went away.

### Cross Examination

~~I~~ was my father picking up a stick  
at the start. When I was behind the  
tree I was out side of the field. I did  
see him set fire to the shack.

I did not see him throw but one rock.  
he broke three lights. I have no brother

James <sup>his</sup> & Jeff <sup>mark</sup> Jones

sworn to and subscribed

before me this 28 day of October 1876

John J. J. Jones  
Justice of the Peace

No 3

Page 3

John Maley of lawful age being  
sworn says Frank Lawer  
on the 26 day of October 1876 did  
meet Lawer. Thursday about one o'clock  
he was cursing Mr Duffey When  
we met him then he pulled the  
hairs down and went into the field  
then went there and got a hand full  
of grass and lit it he threw it into the  
shock and burned the shock up. When he  
saw us coming he ran up into the wheat  
field then we turned back to put the  
fire out, he went to the house and  
threw a rock. If I had not of put  
the fire out it would burned up now  
soon.

Cross Examination

The Shock was about fifty yards from  
the house. I was not with them when  
they met.

Sworn to and subscribed { John O'Meara  
before me this 28 day of October 1876

John Durrigan  
Justice of the Peace

1874 Page 4

State of Missouri }  
County of Jefferson }

The examination of Frank Lawn of Jefferson County taken before me John Dunningan one of the Justices of the peace within and for the County aforesaid on the 28 day of October 1876 the said Frank Lawn being charged before me with Willfully setting fire to and burning corn belonging to James Duff and Willfully and Maliciously Breaking a window of the dwelling house belonging to the said James Duff and Willfully and Maliciously pulling down and destroying a gate and pulling down and destroying post Bars the same being the property of James Duff and he the said Frank Lawn upon his examination now taken before me says so I am not guilty of the above charges

Frank Lawn

I John Dunningan one of the Justices of the peace within and for the County aforesaid do certify that the said Frank Lawn was brought before me and charged before me with Willfully setting fire to and burning corn belonging to James Duff and Willfully and Maliciously Breaking a window of the dwelling house belonging to the said James Duff and willfully and Maliciously pulling down

and destroying a gate and pulling down and  
destroying post-bars the same being the property  
of James Duff and the said Frank Lawton  
was distinctly informed by me of the charge  
made against him and that he was at liberty  
to refuse to answer any questions put to him  
and the examination of the said Frank Lawton  
as also the information of the said James Duff  
and John O'Kealey and James Duff Junior  
Witnesses were by me taken and reduced to  
writing the day and year aforesaid

Given under my hand this 28 day of  
October 28 1876

John Quinnan Justice of the Peace

State

vs

Frank Lawton

Filed Oct. 30 1876.

C. M. Morine

Clerk

State of Missouri }  
County of Jefferson }

Be it remembered that on the 28 day of  
October 1876 James Duff Jun and James  
Duff Senior personally came before me  
one of the Justices of the peace for said County  
and acknowledged themselves to owe the  
State of Missouri the sum of fifty  
dollars to be levied on their goods and  
chattels lands and tenements to the use  
of the State if default be made in the  
condition following: which condition  
is: That if he the said James Duff Junior  
shall personally appear at the next  
circuit court to be holden in and for said  
County on the first day of the next January  
Term to give testimony on behalf of the  
State and the truth to say touching such  
matters as may be then and there requir-  
ed of him and not depart the Court  
without leave. Then this recognizance  
shall be void and of no effect  
otherwise to remain in full force  
and virtue in law

Taken and acknowledged before  
me at my office } James Duff  
John Hamman } James Duff  
Justice of the Peace

State of Missouri

vs

Frank Law

Recognizance of Witness

Filed Oct 30 1876

to the Court

Clerk

State of Missouri }  
County of Jefferson }

Be it remembered that on the 23 day of  
October 1876 John O'Malley and James  
Duff personally came before me  
one of the Justices of the Peace for said County  
and acknowledged themselves owe the  
State of Missouri the sum of fifty  
dollars to be levied on their goods and chat-  
tels lands and Tenements to the use of the  
State, if default be made in the condition  
following: which condition is that if he the  
said John O'Malley shall personally  
appear at the next circuit Court to be holden  
in and for said County on the first day of  
the next January Term to give testimony  
on behalf of the State and the truth to  
say touching such matters as may then  
and there be required of him and not  
depart the Court without leave then  
this recognizance shall be void and  
of no effect otherwise to remain in full  
force and virtue in law

Taken and acknowledged } John O'Malley  
before me at my office } James Duff  
John H. Hargrave  
Justice of the Peace

State of Missouri  
vs

Frank Lamm

Defendant & Witness

Filed Oct. 30<sup>th</sup> 1876,  
cc (Hodgson)  
Clerk

State of Missouri }  
County of Jefferson }

Be it remembered that on the 22 day  
of October 1876 James Duff

personally came before  
me one of the Justices of the peace for said  
County and acknowledged himself  
to owe the State of Missouri the sum  
of fifty dollars to be levied on his goods  
and chattels lands and tenements  
to the use of the State if default be  
made in the Condition following:  
which Condition is that if he the said  
James Duff shall personally  
appear at the next circuit court to be  
holden in and for said County on the  
first day of the next January Term  
to give testimony on behalf of the State  
and the truth to say touching such  
Matters as may be then and there required  
of him and not depart the court with-  
out leave then this recognizance shall  
be void and of no effect otherwise  
to remain in full force and virtue  
in law

Taken and acknowledged before  
me at my office } James Duff  
John J. J. }  
Justice of the Peace

State of Missouri

no

Frank L. Lamm

Recognizance of Witness

Filed Oct. 30 1876

C. H. H. H. H.

Clend

State of Missouri } Before John Immigan  
vs } Justice of the Peace  
Frank Lawton }

Warrant issued the 26 day of  
October 1876 upon the complaint and oath  
of James Duff for the crime of Willfully  
Setting fire to and burning corn in the field  
belonging to James Duff and for Willfully  
and Maliciously Breaking the window of the  
dwelling house of James Duff and Willfully  
and Maliciously pull down & destroy a gate  
and did pull down and destroy the Post Barn  
of James Duff and directed to Constable  
Andrew Owens of Meramec Township  
Subpoenas issued at the same time to said  
constable A Owens for James Duff Junior  
& John O. Mealy & James Duff senior for  
the State Warrant returned 28 day of  
October 1876 executed by having the body of  
the said Frank Lawton before the Justice  
The Justice having heard the evidence adjudged  
that said defendant give bail in the sum  
of Three hundred dollars 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 doth

order that said Frank Lavin be committed  
to the common Jail of said county until he  
give said Security or he be discharged by  
due course of law

John Dunningan Justice of the Peace

|                        |        |                             |         |
|------------------------|--------|-----------------------------|---------|
| Justice fees           |        | Constable fees A Owens      |         |
| Affidavits             | 35     | Warrant                     | 75      |
| Warrant                | 35     | Three Subpoenas             | 75      |
| docketing & indexing   | 20     | boarding prisoner three     |         |
| Judgment               | 50     | days at fifty cents per day | 1.80    |
| Subpoena               | 35     | boarding Prisoner 3 days    |         |
| Three recognizance     | 1.05   | at one dollar & wants five  |         |
| Transcript             | 50     | cents per day               | 3.75    |
| certifying to the same | 35     | Taking the prisoner to      |         |
| Warrant of commitment  | 35     | Jail                        | 1.00    |
| depositions            | 2.00   | in traveling 28 miles       |         |
| certifying to the same | 35     | Taking prisoner to Jail     |         |
|                        | \$6.35 | and returning therefrom     | 2.80    |
|                        |        |                             | \$10.85 |

Witness fees James Chaff junior two days

at fifty cents per day 1.00

John O'Malley two days

at fifty cents per day 1.00  
\$2.00

Justice fees \$6.35

Constables fees \$10.85

Witness do 2.00

Total \$19.20

I do certify the above Bill of costs is  
correct

John Dunningan

Justice of the Peace

State of Missouri }  
County of Jefferson }

I John Demigan 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 Frank  
Lawn on a charge of Willfully setting fire to and  
burning corn Maliciously breaking the window of  
a dwelling house Maliciously destroying a gate  
pulling down & destroying post bars  
and the examination of witnesses and of  
prisoners and all the papers before me are  
attached hereto and herewith returned  
Given under my hand this 28 day of  
October 1876

John Demigan  
Justice of the Peace

State of Missouri

vs

Frank Lawton

Docket Entries

Filed Oct 30 1876  
L Ho-Ward  
clerk

State of Missouri }  
County of Jefferson }

In the Circuit Court  
of Jefferson County  
Missouri

January Term 1877

The Grand Jurors of the State of  
Missouri now here in Court  
Summoned from the body of the  
County of Jefferson and empanelled,  
Sworn and charged upon their  
oaths present that ~~the~~ Frank  
Lawn late of the County of  
Jefferson aforesaid on the 6<sup>th</sup> day of  
October 1876 at and in the County of  
Jefferson aforesaid did Wilfully  
set fire to and burn and consume  
one shock of Hodder and corn the  
same being ~~one shock of~~ corn stalks with ~~the~~  
Hodder and corn thereon of the  
property of one James Duff then and  
there being and standing in the field  
of him the said James Duff against  
the peace and dignity of the  
State —

Jos. Williams  
Prosecuting Attorney

Indictment

against  
Frederic Town

Charged with

Arson

A True Bill

Dan, L. Jarrod

Foreman

Filed Jan'y 9 1847

to the Court

Clerk

The law presumes every man who  
has arrived at the years of discre-  
tion to be sane and capa-  
ble of committing crime un-  
til the contrary is shown so  
that the State after proving  
the unlawful act need offer  
no evidence whatever of the  
sanity of the defendant but  
may rest upon the legal pre-  
sumption of sanity until  
the defendant shows the con-  
-trary. This degree of insan-  
-ity is one which the de-  
fendant must make out  
and it must be made out  
to the satisfaction of your minds  
for if the evidence merely  
shows a case of doubt -  
whether the defendant might  
not be insane this is not  
sufficient to authorize an  
acquittal on that ground only  
if the evidence shows merely  
that the defendant might have  
been insane at the time of the  
commission of the act but  
does not show satisfactorily to you

Given

insane  
minds that defendant was at that  
time ~~insane~~ This is not suffi-  
cient to warrant an acquit-  
-al <sup>as the jury are instructed that</sup>  
the ~~burden~~ <sup>burden</sup> of proof of de-  
fendant's insanity at the im-  
mediate time of the doing of  
the crime shall rest upon  
the defendant - and if the  
same be not established  
to the satisfaction of the jury  
then they ~~shall~~ <sup>must</sup> find him  
not guilty on the grounds  
of insanity

To constitute insanity a  
good defence the jury  
must find that the prisoner  
was so far insane as not  
to be capable of knowing  
at the time the act was commit-  
ted that the same was crim-  
-inal

Filed January 9th 1871  
Chas. H. Conner  
Clerk

91  
If the jury entertain a reasonable  
doubt of defendant's guilt they  
should give him the benefit  
of that doubt and acquit him.  
but a doubt to authorize an  
acquittal ought to be a substan-  
tial doubt touching defendant's  
guilt - not a mere possibility  
of his innocence

if the jury entertain  
a reasonable doubt of defendant's  
guilt they should give him the  
benefit of that doubt  
in acquitting him but a  
doubt to authorize an  
acquittal ought to be a substan-  
tial doubt touching  
defendant's guilt not a  
mere possibility of his innocence

Del. Jan 9<sup>th</sup> 1877

C. H. L. Lorne  
(Clerk)

9  
If the jury find from the evidence  
that the defendant at the time  
he committed the act of  
burning the Shackay corner  
was so ~~in~~ ~~as~~ as not-  
to be capable of knowing  
that the act was criminal  
then he is not responsible  
for his act and the jury should  
acquitt him

Filed Jan'y 9<sup>th</sup> 1897

C. H. Foster  
Clerk

The Court instructs the  
Jury that if they believe  
from the evidence that the  
defendant Frank Lawton in  
<sup>Jefferson County Missouri</sup>  
intentionally set fire to  
a shock of fodder and  
corn ~~is~~ standing in the  
field of James Duff they  
should find him guilty of  
arson in the fourth degree  
and assess his punishment  
at imprisonment in the  
penitentiary not less than  
~~two years~~ not more than five  
years or by imprisonment in  
the County Jail not less than  
six months unless the Jury  
shall believe from the evidence  
that the defendant was at the time  
of committing said act so insane

Wm

as not to be aware that he  
was committing a wrongful  
act

Filed Jan'y 9/1873

L. H. G. H. H.

Clerk

Was the jury find the defendant  
and guilty as he stands  
charged in the indictment  
and accept his punishment, by  
imprisonment in the County Jail  
for a period of 6 months.

H. M. Joushman  
Foreman

State  
vs  
Lawn

Filed Jan'y 9 1877

C. H. Haines

clerk

State of Missouri }  
                                  against }  
Frank L. Lown }

Now at this  
day comes the above  
defendant and moves  
the Court to arrest the  
Judgment in the above  
cause for the following  
reasons to wit:

1<sup>st</sup> Because there is no  
offense charged in  
the indictment known  
to the law.

2<sup>d</sup> Because the indict-  
ment does not charge  
the burning of the stock  
of corn to have been  
done feloniously as  
required by law

John L. Thomas  
Atty for Def.

State

vs

Frank Lawton

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Witness in  
arrest of  
Judgment

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Filed Jan'y 13 1874

@ Thos. Waino

Clerk

4304

State  
vs  
Frank Lawton