

Jefferson County Circuit Court
Case Files - Criminal
May 1877

Box

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Folder

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State

Vs

Davis, Benjamin F.

Carrying unlawful weapon

Pistol

State of Missouri
County of Jefferson

John's affidavit states that

As H Davis went in to a Public account
of People in the County of Jefferson and was
which is a deadly Weapon and contrary
to the form of the Statute in such cases
made and founds the 2nd day February
1877 Jm H Davis
and Jm Davis

advised and sworn
to before me the 27th
day of February 1877
Jm H Davis Justice
of the Peace

affidavit of
J W Jones
State
against
B H Davis

Filed (Feb, 24 1877)
The Honorable
Clerk

State of Missouri, Before Sull
against Wager Justice of
B. H. Davis

officer H. Davis
~~Monmouth Williams~~ Being duly sworn upon
his oath Deposes and says
B. H. Davis ~~produced his pistol out of his fo~~
~~ket and presented~~ was at Green Willh'
ams on the night of the 26th of February
1877 had in his possession" and on his
person a Seven Shooter and Revolving
pistol which was a deadly weapon there
was a Twenty five or thirty persons assem-
bled at Green Williams at a Ball it
was in Jefferson County Mo Davis was
there in the crowd of men and women
with the Pistol on his person he took
it ^{the Pistol} out of his Pocket in the crowd
and further this deponent hath not
subscribed and ^{his} H. H. Jones
sworn to before me
this 2nd day of February
1877 Sull Wager Jus-
tice of the Peace

Evidence of
J. W. Jones

Filed July 24 1877
O. H. Jones
Clerk

State of Missouri }
County of Jefferson }

Gilly Husky after being
Auly sworn upon his oath say that Ben
Davis had a pistol in his person and ^{at the}
^{house of Green Williams in Feb^r 1877}
Arew it out at the fire and said If they
woud not mind he woud Empty it at
some person he then Left the house and
after he left the house he shot of his pistol
sworn and subscribed

Before us this 5th of May
1877

Gilly ^{his} Husky
Mark

State of Missouri }
County of Jefferson }

William W Jones after being
sworn upon his oath says that about
~~February 1877~~ ^{at the house of Green Williams}
he had a pistol loaded at
the House of Green Williams at a party
and he had drawn his pistol and to
said W W Jones If he woud stir he woud
Blow his Brains out

sworn and subscribed
Before me this 5th of May
1877

^{his}
Williams & Jones
Mark

Filed Feb. 27 1877
Geo. W. Moore
Clerk

STATE WARRANT--J. P.

THE 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 *Wm H Davis*

that *one B H Davis*

, late of the County aforesaid, did, on or about the

2^d

day of *January*,

A. D. 187*7*,

at the County of *Jefferson*

*went in to a Public assembly of people bearing
ing on his person a Pistol which is
a deadly Weapon*

These are therefore to Command you to take the said

B H Davis

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 *2^d*

day of *January*

A. D. 187*7*

Wm H Davis

Justice of the Peace.

STATE WARRANT.

STATE OF MISSOURI,

vs.

B. H. Davis

CHARGED WITH

carrying unlawful
weapons
et al.

ON INFORMATION OF

W. H. James

BEFORE ME

S. H. Hargis

J. P.

J. P. James

1870

Filed Feb 24 1877

Otto Morine

Deputy

Received the within Warrant on the

day of 187

Constable.

Fee, \$ *3.55*

RETURN.

I hereby certify that I executed the within Writ, in the County of

State of Missouri, on the

2nd

day of

February 187*5*, by

Deputy

the said

B. H. Davis

and taking him

Before the Justice of the Peace S. H. Hargis

W. H. James
Constable

RECOGNIZANCE

(IN EXAMINATION BEFORE A MAGISTRATE.)

FOR APPEARANCE OF WITNESS BEFORE CIRCUIT COURT.

[Wag. Stat., pg. 1078, Secs. 27, 28.]

STATE OF MISSOURI, }
 COUNTY OF Jefferson } ss.

BE IT REMEMBERED, That on the 2d day of February
 A. D. 1877, personally came before me Will H. James a Justice
 of the Peace within and for the County of Jefferson aforesaid
Dilly Huskey Jr W. H. James
and Lafayette D L Huskey

and acknowledged themselves to owe the State of Missouri, that is to
 say, the said D. L. Huskey the sum of
fifty Dollars; the said
Dilly Huskey the sum of
fifty Dollars; the said
W. H. James the sum of
fifty Dollars; and the said
 the sum of
 Dollars to be levied

of their respective goods and chattels, lands and tenements:

UPON CONDITION, That if the above bounden D L Huskey
W H James and Dilly Huskey

shall personally appear before the Circuit Court for the County aforesaid, to be holden in the
Term of March in said County, on the first day of the
 next term thereof, then and there to give testimony on behalf of the State, and the truth to
 say touching such matters as may then and there be required of Sud Brainerd and
 shall not thence depart without leave, then this recognizance to be void; otherwise to remain
 in full force.

Taken and certified the day and year afore-
 said.

Will H. James
 Justice of the Peace,

W H James (SEAL)
D L Huskey (SEAL)
Dilly Huskey (SEAL)
mark (SEAL)

No. _____

RECOGNIZANCE

For Appearance of Witnesses.

GIVEN BY

W. J. James
D. L. H. H. H. H. H.
D. L. H. H. H. H. H.

STATE OF MISSOURI,

VS.

W. J. H. H. H.

TO APPEAR BEFORE

Jefferson Circuit Court.

Term, 1877.

W. J. H. H. H.

Justice of the Peace.

Filed July 21 1877
W. J. H. H. H.
Clerk

To R. W. McMullin Judge Probate
The undersigned Benjamin Davis
would respectfully represent that
he is restrained of his liberty in the
Jail of Jefferson County, Missouri
by John Williams Sheriff and Jailor
of said County by virtue of
a warrant of commitment
issued by Sub. Provier Justice
of the Peace of Central Township
in Jefferson County Mo, on a
charge of carrying deadly weapon
in a public assembly. he
would therefore ask that he
be brought before your honor
to be bailed in such sum as
you may think proper and in
duty bound will ever pray

Ben^{ts} Davis^{mark}

subscribed & sworn to before me
this 8th Day of July 1877. I was qualified
Jan'y 8th 1875 & my com^d expires
Jan'y 4th 1879

J. H. H. Thomas
Notary Public

Benjamin Davis
Petition for writ of habeas corpus,



Feb 5 to 1877
M. J. M. M.
J. J. J. J.

Filed Feb 6 1877
C. H. H. H.
C. H. H.

Writ of Habeas Corpus

State of Missouri
County of Jefferson

By the habeas Corpus Act

The State of Missouri to the Sheriff of Jefferson County Greeting:

You are hereby commanded that the body of Benjamin Davis, in the jail of said County of Jefferson under your custody detained, as it is said, under safe and secure conduct together with the day and cause of his being imprisoned and detained by whatever name the said Benjamin Davis may be known, you have before me, R. M. Munnell, Judge Probate of the County of Jefferson, at office in the town of Hillsboro in said County on the 4th day of January 1877 to do and receive what shall then and there be considered concerning the said Benjamin Davis so imprisoned and detained as aforesaid, and hereof fail not at your peril.

Witness my hand and seal of office hereto
affixed this 5th day of February 1877

R. M. Munnell
Judge Probate

John Williams, Sheriff of Jefferson County Mo, having in my custody
the body of Benjamin Davis under and by virtue of a commitment issued
by Sullivan Bayler a Justice of the Peace of said County, dated February
2^d 1877 which is herewith returned, together with the body of
Benjamin Davis, by bringing him into your presence
February 5th 1877.

John Williams Sheriff

Writ of Habeas Corpus
for

Benjamin Davis

'Held Feb. 5th 1877

Wm. Williams
S. of J. of said County

'Held Feb. 6th 1877

Wm. Williams
S. of J. of said County

Wm. Williams
S. of J. of said County

State of Missouri

County of Jefferson) Be it remembered that on the 5th day of February 1877 Benjamin Davis and Samuel Russel of said County personally came before me, R. N. McMillin Judge of Probate within and for said County and acknowledged themselves bound to the State of Missouri the sum of one hundred dollars the value of their goods and chattels lands and tenements if the said Benjamin Davis find the condition underwritten.

The Condition of this recognizance is such, that if the above bounden Benjamin Davis shall personally appear at the Circuit Court on the first day of the next term thereof to be holden for the County of Jefferson on the ~~fourteenth~~ ^{fourteenth} day of ~~January~~ ^{May} 1877, then and there to answer to any indictment that may be preferred against him by the Grand Jury of said County for carrying unlawful weapons in a public Assembly, and continue before said Court on said first day and from day to day during said term, and on the first day of and from day to day during any regular special or adjourned term to which said cause may be continued and not depart said Court without leave, then this recognizance to be void, otherwise to remain in full force and virtue.

Attest R. N. McMillin

Attest R. N. McMillin

Benjamin ^{his} X Davis
Samuel ^{his} X Russel

Seal
Seal

Approved by me this 5th day of February AD, 1877

R. N. McMillin
Judge of Probate

State
vs.
Benjamin Davis,
Bond

Dec 30 1877
Wm. M. Mullin
Judge of Probate

Wm. Jones 200 250

Dec 30 1877
O. H. Stone
Clerk

S. H. Hargis fees
 Doct^r 10
 Indors 10
 Warrant
 affiant 50
 cam taken 50
 Lucas W^t 05
 to Recog of
 W^t 35
 writ of cam 35
 2 cts to affiant 20
 J W Hargis 30
 250
 S. H. Hargis 750
 Taking pro
 ces to jail \$1.00
 1.75

State of Missouri
 against
 B. H. Davis
 upon the oath of
 R. H. Jones Prosecuting
 witness Warrant issued
 February 2^d 1887 delivered to J W Hargis
 Constable of Central Township.
 February 2^d 1887 the Warrant in this case is
 was returned Executed by delivering B H
 Davis up to the Court the cause came
 in to be heard it appearing from
 the evidence that defendant was guilty as
 charged in the complaint it was therefore
 ordered by the Justice that ~~the~~ defendant
 be held in a Bond of \$200 for his appe
 arance ~~at~~ before the Circuit Court at
 its next regular term the defendant B H Davis
 failing to give Bond the Court issued
 a writ of commitment ordering him to
 be confined in the County Jail of Said
 Jefferson County Sull Hargis J.P.

State of Missouri
 County of Jefferson vs

State of Missouri Plaintiff
 against
 B H Davis Defendant

Sull Hargis Justice of the Peace within and for
 Central Township in Said Jefferson County hereby
 certifying the above and foregoing is a full true and
 complete transcript of the entries in my docket

and is accompanied with all the papers
pertaining to said case this 20th day of
February 1877 Lull. Krayer Justice of
the Peace

State

"

Ben Davis

Filed Feb'y 24 1877.

C. H. H. H. H.

Clerk

State of Missouri
against
B H Davis

J P Hrazier fees \$2.50
this transcript 60c

J W Haines — 1.75

Filed Feby 24 1877.

to Tho. Haines
clerk

State of Missouri) In the Circuit
County of Jefferson) Court May Term 1877

The Grand Jurors of the State of
Missouri Empanelled Sworn and Charged
to enquire within and for the body of
Jefferson County in the State of Missouri
upon their oaths do present that
Benjamin F. Davis late of said County
on the 26th day of February 1877
at and in Jefferson County in
the State of Missouri unlawfully
did go into a place where a
large number of ~~people~~ persons
were assembled for social
purposes he the said Benjamin
F. Davis then and there unlawfully
having upon and about his person
fire arms, to wit one ~~fire~~ pistol
which said pistol was a deadly
~~weapon~~ weapon and he the said
Benjamin F. Davis not being a person
whose duty it was to bear arms to
~~bear arms~~ in discharge of any duties
imposed upon him by Law contrary
to the form of the Statute in such cases made
and provided and against the peace and
dignity of the State — Jos. Williams
Prosecuting Attorney

State
vs

Benjamin F. Davis

Indictment for
going into assembly
of persons with
deadly weapon

Witness

Delafayette Huskey
Robert Jones

a True Bill

Jos. L. Dunham
Foreman

Five Paid

Filed May 16th 1877

Shoshone
Clerk

State } In Circuit Court of
Ben Davis } Jefferson County, Missouri

The above named defendant Ben Davis states that he has been found guilty by said Court of a misdemeanor and fined therefor in the sum of Ten Dollars

That he has paid the said fine but that he is wholly and utterly unable to pay the costs taxed in said cause against him and therefore prays to be released from the custody of the jailer; where he is detained for the non payment of said costs by virtue of the statutes in such cases made and provided

Ben Davis

By Byrnes & McMullen
Attys at Law

Ben Davis on oath states the above petition is true and that as a schedule of his property real, personal and mixed is simply nothing that he owns no property whatever

Sworn to & Subscribed before
me May 16th 1877.

Ben ~~D~~ Davis
Mare

Chas. Horne Clerk

State

no

Ben Davis

schedule

Filed May 16 1877

Thos. Haine

Clark

4472

State
vs
Benj. Davis

Carrying unlawful
Weapons

IF NOT CALLED FOR IN TEN DAYS,
—RETURN TO—

W. S. BOYCE, Circuit Clerk,

Jefferson Co.,

HILLSBORO, - - MO.