

Jefferson County Circuit Court
Case Files - Criminal
August 1837, No. 1

Box 3 Folder 25

State

vs.

McFarland, John

Assault with intent to kill

Assaulted William Alexander
with a disk

The State of Missouri - Jefferson County
To my Constable of 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 William Alexander that John McFarland
late of the County aforesaid did on the 20th day of March
1837 at the House of Anna Bennet or near it that then
and there John McFarland Drew his Dirk on him the said
Alexander and also Drew a stone and swore he would split out his
bragins and threw it at him the said Alexander
these are therefore to Command you to take the said John
McFarland if he be found in in your County or if he be
shall be have fled that you pursue after the said John
McFarland into any other County within this State
and take and safely keep the said John McFarland
so that you have his body forthwith before me or some
other Justice of the peace to answer the said Complaint
and be further dealt with according to Law
Given under my hand this 21 Day of March 1837
Samuel Graham a Justice of the peace

James

A State warrant

I Executed the within
Warrant by arresting
the ^{John McFarland} Defendant, and
Bringing him forthwith
before James Winn
a Justice of the peace on the
21st day of March 1837

A. Sullen Const

1837

my o

State of Missouri
To the Constable of Meriwine
Township in the County of Jefferson, Greeting, You are
Commanded to Summons ~~William~~ ^{and Anthony} ~~Adams~~ ^{Adams}
Barnes that all answers and delays be aside that they
be and appear before the undersigned one of the Justices
of the Peace for said Township in the County of Jefferson
on the 25th day of June at ten o'clock of that day, at office
in said Township to testify the truth of their remembrance of
another depending where William Adams presented
in behalf of the State and John McFarland is defendant
on the part of the prosecutor,
Given under my hand the 22 day of March 1837

James Wm. P. Sears

Subpoenas
for
Wm Alexander
" Anna Bennett
Duntire per 25-
March Term
1837

Served the within Subpoena on James
Bennet and Allen Forest by reading
in their presence and hearing on
the 22. of March 1837

Wm. Sullivan Const

State of Mississippi Be it remembered on this day 22

October County } day of month 1837 came before the

undersigned Justice of the Peace for the County of said

John W. Hardland a principal and James ~~Hardland~~ Davis

a his security and acknowledge themselves to be indebted to

the State of Mississippi in the sum of One Thousand dollars

each to be loaned of their goods and chattels respectively

upon the condition that if the said John W. Hardland

shall appear on the 25th day at ten o'clock of that day

at office in same Township before the undersigned Justice

then the said debt or remain in full force in favor

John W. Hardland
James Davis
James Davis

Mc^{ee} Fairland's
Bond

The State of Missouri
as
John McFarlane

William Alexander, a witness on the part of the State, states upon his oath that John McFarlane did at the house of Ann Bennett on the 21st March 1837, that the said John McFarlane followed him to the house of Ann Bennett and drew his dirk, and asked his daughters some questions, he then crossed the fence and swore he would have satisfaction, he still pursued, swore they should go no further until ^{he} got satisfaction, he then drew a rock and threw it at him, and swore he would knock his brains out, still holding his dirk open in his hand, (questions) he drew his dirk at the distance of thirty feet threw the rock at the distance of ten feet, he believed with the intention of killing.

(Cross examination) was you not advancing at the time I threw the rock Answer no did you not pursue me with a pole, answer I did in order to get out of your way.

William Alexander
more
Ann Bennett a witness in behalf of the State upon his oath states that she saw John McFarlane pursuing of William Alexander with a dirk open in his hand. She then told Alexander tell him to stop and not rush upon him. Cross examination did you see Alexander rush on me with a pole ans - no but saw ^{you} endeavor to get to William Alexander, with a dirk open in one hand and saw you pick up a rock but did ^{not} see you throw ^{it} _{Ann Bennett}

Allen Forest a witness on the part of the State
states upon his oath that he was in
company with John McFarlane and heard
him say, that he drew his knife and waited
for Mr Alexander to strike at him he would
then jump upon him. he then stated that
he threw a rock at him and was sorry he
had not threw it a little lower if he had
he thought he would have knocked his
head off. Allen Forest

Examination of prisoner, was this a act
premeditated Answer, No. Was the resentment
against Alexander or your wife Answer
No - I do certify the examination of the prisoner to be agreeable to
wish James Winn a Justice of the peace

Witnesses on the part of the Defendant
Catherine Williams a witness for the defendant
states upon her oath, that she saw nothing
but friendships existing, nor heard no threats
before nor after they were together. Catherine Williams

Matthias Bay, a witness on the part of the
defendant states upon his oath that he heard
Mr Alexander say that some time past
he heard ~~was~~ would be willing to go into
a field with him the said John McFarlane
Matthias ^{his} Bay
mark

James S McChristian a witness & ~~parties~~ on the
part of the Defendant states that he knows nothing
of the controversy between Alexander & McFarlane
but saw a small controversy between them some
time past in which Alexander made an attempt
to throw said McFarlane down apparently in
an ill humor James S McChristian

Thomas Williams a Witness on the part of the
Defendant states upon his oath that some
time past he saw ~~the~~ Alexander attempt to
assault Mr. McFarlane by taking hold of
him, Cross examination, did John McFarlane
call on you for your gun on the evening
of the Controversy answers yes but did not
state what he wanted with it,

Thomas Williams

The foregoing sworn to and subscribed before me
the 25th day of March 1837

James Quinn Justice of the Peace

Examination
of Witnesses

Know all men by these presents that we
William Alexander Allen Forester and Ann Bennett
do acknowledge our selves severally indebted to the
State of Missouri in the sum of fifty dollars
to be levied of our respective goods and chattels
lands and tenements, upon the following
conditions to wit, that if the above bound shall
be and appear before the Judge of our Circuit
Court ^{at a Term} ~~Court~~ to be held in the Town of Herne
-anum on the second monday in April, next,
then and there to testify in a certain matter
in controversy wherein the State of Missouri
is defendant and John Garland is plaintiff
then this bond to be null and void otherwise
to remain in full force and effect in law
Signed Sealed and acknowledged this 8th day
of April 1837,

William Alexander ~~Forester~~

Ann Bennett ~~Bennett~~

Acknowledged before me Allen Forester

James, Clerk a Justice of the peace

State }
vs } Bones
McFarland }
of Alexander
Forrester &
Ann Bennett

The State of Missouri in an action committed on
John M. Garland } William Alexander on the
on the 20th of March 1837 by drawing his dock and
throwing a stone at the said Alexander
Summons issued the 21st of March
The defendant brought before me 22nd inst. The defendant
recognized to appear on the 25th of the same month
Now on this day the defendant appeared and
examined by the Court are ready for trial
on examination of the testimony the defendant
found guilty of an assault with an intent to kill
Whereon on the testimony Judgment is rendered
against the defendant guilty and for want of
bail was committed to Jail

April the 25th 1837

James W. Dyer Justice of the peace

STATE VS.
~~JOHN M. FARLAND~~
1837

Chalk
no 1801

John McFarlane.

342

North of W. W. W. W.

John W. W. W. W.

Filed April 1837

Nov

State of Missouri }
Jefferson County - } In the Circuit Court
August Term 1839

The Grand Jurors of the State
of Missouri Empanelled sworn and charged
to enquire for the Body of the County
of Jefferson aforesaid upon their oaths pre-
sent that John McFarland late of the
County of Jefferson aforesaid did come
on the twenty-first day of March
in the year One thousand Eight-
hundred and thirty-seven with force
and arms at the County of Jefferson
aforesaid in and upon one William
Alexander then and there being peaceably
willingly maliciously unlawfully and on
purpose did make an assault and
with a certain stick which he then held
John McFarland in his right hand
then and there bore and held in and
upon him the said William Alexander then
and there feloniously wilfully maliciously un-
lawfully and on purpose did strike stab and
cut with intent in so doing wilfully and
of his malice aforethought to kill the said
William Alexander against the form of the
Statute in such case made and pro-
vided and against the peace and
dignity of the State -

And the Jurors aforesaid upon their oaths
aforesaid do further present that the
said John McFarland afterwards to wit
on the twenty-first day of March in
the year One thousand Eight-hundred
and thirty-seven with force and

Army at the County of Jefferson on aforesaid
and in and upon one William Alexander
in the peace of the State then and there
being feloniously, misfully, maliciously & unlawfully
did make an assault and one large stone
at ~~him~~ and against the said William
Alexander then and there said cast and
throw with intent him the said William
Alexander then and there feloniously to kill
and other ways to the said William
Alexander then and there did - contra-
ry to the form of the Statute in
that behalf made and pro-
mised and against the peace
and dignity of the State

David Torrey

Circuit Attorney

D

State of California
1837
Pro Or of Jackson
B.

Abraham Smith witness
to Bill
Anne Bice

Saml. M. Muller
Foreman
Chairman of the
Grand Jury

Saml. M. Muller
Foreman

Witness for State

William Alexander
Anna Bruckner

Alden Forrest
Thomas Medley

Alden Kearney

Filed Dec 12th 1837

We the Jury find the defendant
not guilty John Henderson foreman
of the jury

State of Missouri
County of Jefferson

The State of Missouri to the Sheriff
of Jefferson County Greeting

We command you to
take John McFarland if he may be found in your
bailiwick and him safely keep so that you have
his body before the Judge of our Circuit Court at the
next Term thereof to be held in the Town of St. Louis
within and for the County of Jefferson on the second
Monday of December next then and there to answer
the State of Missouri on an indictment for an
assault to ~~kill~~ with intent to kill one certain William
Alexander... and have you there this writ

Witness Henry P. Bates clerk of our
said Circuit Court at St. Louis
This Eighteenth day of August
in the year of our Lord one
thousand eight hundred and
thirty seven.

Henry P. Bates, Clerk.

I executed the within writ by arresting and
taking into custodia the within named John
McFarland and delivering him to the Judge
of our Circuit Court at the Town of Herculaneum
on the Eleventh day of December 1837. Agreeable
to the command of the within writ.

J. M. Crumpton Sheriff
of Jefferson County Mo.

Jefferson Circuit
Court December 10
Term 1837

State of Missouri

vs. J. S. Caplan.

John McFarland

Dec. 11. 00

COUNTY OF JEFFERSON, SGT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson

County,—GREETING:

You are hereby commanded to summon

William Alexander

Anna Bennett and Allen Forrest

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the Eleventh day of December, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein the State of Missouri is plaintiff,
and John McFarland is defendant,
on the part of the plaintiff; and have you then there this writ.

WITNESS, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
culaneum, this Eighteenth day of December 1891
in the year of our Lord one thousand eight hundred and thirty

Seven

Henry P. Bates
CLERK, C. C.

Served the within Subpoena on William
Alexander by Copy, and on Anna Bennett.
and Allen Forrest. by reading the same
in their hearing and presence six days
previous to the return day of the within
Subpoena.

J. M. Christian Sheriff.

Jefferson Circuit
Court. December
Term 1834.

State of Missouri
vs J. S. Saffa

John McFarland

Witness for the State

William Alexander

Anna Bennett &
Allen Forrest

Dec. 11/34

Wm. Alexander
Allen Bennett
Allen Forrest
Thos. Meadeley
Allen Harms

COPY OF JEFFERSON, SCOT.

THE STATE OF MISSOURI,

To the Sheriff of

You are hereby commanded to summon

County—GREETING:

John M. Starnes

Defendant

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the 11th day of December at the town of Herculanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein

the State of Missouri plaintiff,

vs. John M. Starnes defendant,

on the part of the Defendant; and have you then there this writ.

Witness, CHANNERY SMITH, Clerk of our said Circuit Court, at the

town of Herculanum, this 21st day of

November in the year of our Lord one thousand eight hundred

and thirty seven

W. A. Starnes CLERK, C. C.

State of Mississippi
Jefferson County
Decr. Term 1834

State }
vs }
John W. Garland }
for }
Philip Swaney }
John M. Guire }
for }
Defendant

Fee \$10.00

I served the within Subpoena six days previous
to the return day thereof by reading the same to
John M. Guire and Philip Swaney.

L. M. Christian Sheriff

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Philip Stearns & John W. Stearns

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the ninth day of April next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein The State of Missouri plaintiff, and John W. Stearns is defendant, on the part of the defendant, and have you then there this writ.

Witness, Chancery Smith, Clerk of our said Circuit Court, at the

town of Herculaneum, this

twelfth

day of

February in the year of our Lord one thousand eight hundred

and

thirty eight

CLERK, C. C.

Jefferson Circuit Court
April Term 1838

State of Missouri
vs. John M. Farlane

Witnesses for Defendant
Phillip Swanney &
John M. Guice

Filed April 9th 1838

W. M. Mathews
Clerk

I served the within Subpoena by reading the
same to John M. Guice six days before the
return day & served on Phillip Swanney
by leaving a copy at his place of
residence six days before the return day

L. M. Crismon Sheriff

fee \$1.00

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Thomas Weathers if he be found in
your jurisdiction

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the ninth day of October next, at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein The State of Missouri is plaintiff,
and John McFarlane is defendant,
on the part of the State of Missouri; and have you then there this writ.

Witness, CHAS. E. SMITH, Clerk of our said Circuit Court, at the

town of Herculaneum, this twelfth day of February
in the year of our Lord one thousand eight hundred and thirty-eight

John J. Weathers
CLERK, C. C.

I executed the within Subpoena by
reading the same in the hearing and
presence of Thomas Medley at least
six days before the sitting of the
Circuit Court

L. M. Christian Sheriff

See vs. etc

Jefferson Circuit Court
April Term 1838

State of Wisconsin
vs } Supra
John J. McFarland

return for Plaintiff
(Thomas Medley)

Filed 9th April
1838

Matthew

I executed the within Subpoena by
reading the same in the hearing,
and presence of Thomas Medley
six days previous to the return
day

L. M. Christian Sheriff

COUNTY OF JEFFERSON, SGT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

David & Alice John Stone & Isaac Bergen
at Marion Stone John Stone

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *ninth* day of *April next*, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein *the State of Missouri* is plaintiff,
and *John M. & Isabella* is defendant,
on the part of the *defendant*; and have you then there this writ.

Witness, ~~HENRY P. DAVIS~~, Clerk of our said Circuit Court, at the town of Her-

laneum, this *twentieth* day of *March*
in the year of our Lord one thousand eight hundred and *thirty eight*

John W. Matthews CLERK, C. C.

Jeff Circuit Court
Spring Term

State

vs
Dufrenoy

John M. Garland

for

Defendant

Daniel Rice

John Stowe

Merrill Stowe

Isaac Bergan

John Stowe

March 9 1838

Wm. H. H. H.

Check

I served the within Subpoena by reading
in the hearing and presence of John Stow
Merrill Stow & Isaac Bergan 4 days
before the return day - Daniel Rice
& John Stowe not found.

fee \$1.75

J. M. Christian Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Andrew Forest

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *twelfth* day of *April* *next*, at the town of *Herculaneum*, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *State of Missouri* is plaintiff, and *John M. Chancery* is defendant, on the part of the *Defendants*, and have you then there this writ.

Witness, John G. Weather, Clerk of said Circuit Court, at the town of *Herculaneum*, this *twelfth* day of *April* in the year of our Lord one thousand eight hundred and *thirty eight*

CLERK, C. C.

John G. Weather

Learned the within Subpoena
by reading J. M. Griston Sheriff

fee \$100.00

Deft Circuit Court
June Term 1838

State } Deft

vs } Deft

Deft vs Deft

Deft vs Deft

Deft vs Deft 10 1838

Deft vs Deft
Deft vs Deft

State } Fees
 vs }
 John McFarland
 vs P. Bates. Copies - 1.00
 1 Subpoena 50
 Filing 6 papers 37

Mathews blk
 1 Subp ——— 50
 Filing 3 papers 18 3/4
 1 Continuance 25
 1 surrenders by bail 25
 2 appearances 20
 2 5
 50
 37
 50
 25

McQuiston Giff
 Serving Copies 1.00
 5 Summons 2.50
 10
 Calling action 20
 each party 25
 Calling jury 37
 " 6 Witnesses