

JEFFERSON COUNTY CIRCUIT COURT
CASE FILES - CRIMINAL
December 1838 No. 30

Box 4 Folder 23

STATE OF MISSOURI
VS

Brown, John

ASSAULT WITH INTENT
to Kill

Assaulted Thomas Beaton with
a hoe

State of Missouri }
Jefferson County } In the Circuit Court
December Term 1838

The Grand Jurors for the State of Missouri empannelled. Sworn and Charged to inquire within and for the body of the County of Jefferson aforesaid upon their oath present. John Brown late of the County of Jefferson aforesaid. hitherto to wit. On the sixteenth day of November in the year of our Lord one thousand eight hundred and thirty eight, with force and arms at the County of Jefferson aforesaid upon the body of One Thomas Benton then and there being, feloniously on purpose and of his malice aforethought unlawfully did make an assault, and with a deadly weapon, that is to say a hoe, which he the said John Brown in both his hands then and there had and held, the said Thomas Benton in and upon the head of him the said Thomas Benton then and there feloniously, unlawfully, on purpose and of his malice aforethought did strike and cut, with intent in so doing him the said Thomas Benton then and there to Kill and murder. Contrary to the form of the Statute in such case made and provided and against the peace and Signity of the State of Missouri -

And the Jurors aforesaid upon their oath aforesaid do further present. That the said John Brown late of the County aforesaid, hitherto On the sixteenth day of November in the year One thousand eight hundred and thirty eight, with force and arms at the County aforesaid upon the body of one Thomas Benton in the peace then and there being unlawfully, feloniously on purpose and of his malice aforethought did make an assault and with a certain deadly weapon, that is to say

a certain wedding hoe which he the said John Brown in his right hand then and there had and held. the said Thomas Benton in and upon the right and left side and back part of the head of him the said Thomas Benton then and there most unlawfully, feloniously, wilfully on purpose and of his malice aforethought did strike cut, wound and bruise with intent in so doing him the said Thomas Benton then and there being to kill, to the evil example of all others in like cases offending, Contrary to the form of the Statute in such Case made and provided and against the Peace and Signity of the State of Missouri.

And the Jurors aforesaid upon their oath aforesaid do further Present. That John Brown late of the County aforesaid On the sixteenth day of November in the Year one thousand eight hundred and thirty eight, with force and arms at the County aforesaid, upon One Thomas Benton a citizen of the the State of Missouri then and there being feloniously, wilfully, on purpose and of his malice aforethought did make an assault, and with a certain deadly weapon to wit. a hoe, which he the said John Brown in his hand then and there had and held, the said Thomas Benton upon the head, back, and shoulders of him the said Thomas Benton then and there feloniously, unlawfully, wilfully on purpose and of his malice aforesaid did, strike, beat, bruise and wound with intent in so doing him the said Thomas Benton then and there being to kill. Contrary to the form of the Statute in such Case made and provided.

and against the peace and dignity of the State
of Missouri.

Chas. S. Bricker Circuit
Attorney.

8030

State

21.

John Brown

Miller Caldwell was foreman
of the Grand Jury

Indictment for assault
with intent to kill

"A true Bill"

Henry Brown

George M. Sneed

Snicker Ch. dy.

+ Isaac Benton

tooke

+ Ephraim Wilson

+ Thomas Benton

Witnesses for State

Miller Caldwell was foreman
of the Grand Jury.

Filed Dec 13th 1838

Matthews B/11

Copies issued Aug 2 1839

Matthews B/11

State of Missouri } 35
County of Jefferson } The State of Missouri

Justice of the Peace }
You are hereby commanded to take John Brown
if he be found in your jurisdiction and bring before me
that you have this day before the Judge of our Circuit
Court at a Court to be held in the Town of Beresford
within and for the County of Missouri to answer to an indictment
found against him by the Grand Jury at its last December
Term and answer with intent to appeal his case
being and have you then hear this case —

Witness My Hand & Seal of Office at the
Town of Beresford the 2 day of May
in the year of 1839

Wm A. Weathered Clerk

I executed the writ by
taking the Body of John Brown
in custody. He was liberated by Julius
Wiggins by the order of the County Court on
his giving bond for his appearance at court
on the 4th March 1839, in County of Jefferson
John Hammond Sheriff

In Jefferson Court
April Term 1839

State }
John Brown } Capias

Filed March 22 1839

W. H. Weather
Clerk

Know all men by these presents, that we John
Brown, John Williams, & Austin Brown
are held and firmly bound unto the State of
Missouri in the penal sum of ~~five~~ ^{ten} hundred
dollars, to the payment of
which well and truly to be made we bind our
selves our heirs Executors administrators and assigns
jointly and severally firmly by these presents, sealed
with our seals, and dated this 29th day of January
1839

The condition of the above obligation
is such that an Indictment was found against
the above bound John Brown for an assault
upon Thomas Benton with intent to kill at
the December term of the Circuit Court for the
County of Jefferson in the year eighteen hundred
and thirty eight upon which a Capias has been
issued from said Court, and the said John
Brown having been arrested by and
being in the custody of the Sheriff of said County
Now if the said John Brown shall appear
on the first day of the next term of the Circuit
Court to be holden for said County on the second
Monday after the fourth Monday in March
next at the town of Hercules, to answer
said Indictment and not depart without leave
of said Court, then the above obligation to be
void, else to remain in full force and virtue.

The above bond approved
Julius Higgins S. C. C.
Jan'y 29th 1839.

John Brown
Austin Brown
John Williams

Brown nothing

to { Round
these

Dear Mary 31st 1839

Wm. Arthur

B/H

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON, SCT.

To the Sheriff of Jefferson County,—GREETING:
You are hereby commanded to summon

Thomas Benton, Benjamin Weston
Isaac Benton, George McCreary
Henry Brown

that, setting aside all manner of excuse and delay, they be and appear in proper person before the Judge of our Circuit Court, on the eighth 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 Brown is defendant;
on the part of the

Attorneys, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
laneum, this 23 day of February
in the year of our Lord one thousand eight hundred and 39

Wm. A. Thomas
CLERK, C. C.

I Served this writ on Ephraim Wilson Isaac Benton
and George M Smead By Reading the same in their hearing
on the 14th day of March 1839 on Thomas Benton
on 18th day of March 1839 on Henry J Brown
on the 5th day of April By Reading
the same in his Hearing
John Hammond Sheriff

28
Defferson & Co
April Term 1839

State

John Brown

for 9th

Thomas Benton

Isaac Benton

Ephraim Wilson

Henry Brown

George Smead

April 8th

Sheriff's fee \$ 2.50

Filed & Served 8th 1839

John A. Thayer
Att'y

COUNTY OF JEFFERSON, SCT.

JAMES STANLEY OF MISSOURI,

To the Sheriff of

Jefferson County, — GREETING:

You are hereby commanded to summon

Mark Wickenau
James McCallister
Richard White
Robert Ogden
William Morgan

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 eighth day of April, 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 estate of the deceased is plaintiff, and John Morgan is defendant, on the part of the defendant; and have you then there this writ.

Witness my hand and seal of office, this 1st day of April, 1853, at the town of Herculaneum, this fourth day of April, 1853.

in the year of our Lord one thousand eight hundred and 53

CLERK, C. C.

I send this write on William Hogan & Mark
Wideman by Receiving the same in there presence
on the 12th day of March 1839 on James Mc Colloch
by leaving a copy with his lady

John Hammone Sheriff

The Republic Court
Office Decm 1839

State

John Hammone } before

for Debt

Mark Wideman

James Mc Colloch

Richd A. Thies

Robert Ogden

William Hogan

on the 17th of March

Thies & Thies 25th 39

~~John Hammone~~

6th

I presented this writ on Richard A. Thies and
Robert Ogden by leaving a copy with
their wives at their places of residence on the
Eighteenth day of March 1839
John Hammone Sheriff
By the Court Deputy Sheriff

COUNTY OF JEFFERSON, SOI.
THE STATE OF MISSOURI,

To the Sheriff of

County: Sheriff:

~~YOU are hereby commanded to summon~~

Wm. Benton. Benjamin Wilson
Geo. Benton. George W. Lewis. Henry Brown
You are hereby summoned

that, setting aside all manner of excuse and delay, ^{you} be and appear in proper person before the Judge of our Circuit Court, on the fifth day of August next at the town of Waverlawn 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 is plaintiff, and John Brown is is defendant, on the part of the plaintiff; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court, at the town of Waverlawn this eleventh day of May in the year of our Lord one thousand eight hundred and thirty nine

John S. Mathews Clerk.

COUNTY OF JEFFERSON, SOI.
THE STATE OF MISSOURI,

To the Sheriff of

County, St. Louis;

YOU are hereby commanded to summon

A. B. Clarke, Henry Cook
Robert Ogles. R. W. Meier, James C. Butts

You are hereby summoned

that, setting aside all manner of excuse and delay, ^{you} be and appear in proper person before the Judge of our Circuit Court, on the fifth day of August at the town of Merced wherein the State of Missouri is plaintiff, and John Brown is defendant, on the part of the defendant; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of Merced this eighteenth
day of May in the year of our Lord one thousand eight
hundred and nineteen

John S. Mathews Clerk.

I Served this writte on Albert Ayler By Reading
 the same in his presance and hearing on
 The tenth day of June 1839 Served on
 Reclama H Hill on the 18th day of June By Reading
 Served on on Henry Cook on the 19th day of June
 1839 By Reading the same in his presance
 and hearing and on A B Clark and James, Mc
 Culloch By Reading the same in their hearing
 On the 3 day of July 1839

John Hammond a Sheriff

In Teste
 August Term 1839

State

Subpoena

John Brown

Deft

A B Clark

Henry Cook

Albert Ayler

A H Morris

James Mc Culloch

5th August

Filed July 24 1839

Matthews

Wentworth

~~At the~~ They shall have a reasonable doubt
of the guilt or innocence of ~~the~~ ^{the} person of
the charge in the indictment, they are
bound to find the defendant not
guilty.

State
vs
John Brown

filed Aug 5th / 83

Matthew
C/K

The State of Philadelphia

John Brown

Eschewing Nelson

charges fees in said case to the party

Eschewing

to 2 days attendance - 1 day office hours 1:00

to 36 miles travel to Court House 1 85

Amount to Aug 5th 1839

~~John Brown~~

John Brown

\$21.85

\$21.85

9
filed July Aug 5th 1839
Matthew
Colk

The State of Massachusetts
25

John Brown
for his sheet & charges fees for his
attendance to the postmortem
to one day attendance
to 36 Mr. Turner

1 80

shown before me
Aug 5th 1839
J. W. Adams

£9 30
£9 30
£9 30

filed Aug 5th 1839

Mathews
C/K

State
John Brown 3 Richards, W. Hille, clearing his
attendance in the above case,

2 day attendance April Term 30 100

14 miles travel 5 70

1 day attendance Aug Term 30

14 miles travel 30

Amount to \$2.90

Aug 3rd 1833

Must be paid to Geo. A. W. Hille

filed Aug 5th 1839

J. Mathews clk

The State of Massachusetts

John Pearson Isaac

Benton charged fees for his attendance
in said case to the following effect

To 3 days attendance
To 72 Miles travel

1:50

\$3.60

\$5.10

Amount to pay in

Aug 5th 1839
Jas Benton

filed Aug 5th 1839

Matthew

cllc

State of Missouri) In the Circuit Court

vs.

John Brown

Term Term 1839.
Eight days leaving for a return
the day attendance of

st. nt. fees day twenty four miles travel to and
from the Court House, at st. l. fees nine \$1.90.
August Term 1839.

One day attendance at st. nt. fees day and
twenty four miles travel at st. l. fees nine 1.90
Sum to & Subscribed

Aug 8th 1839

\$3.80

Wm Mathews Clerk

Robert H. H. Esq
Auditor

State
vs
Brown

filed Aug 6
1839
Mather
clerk