

Jefferson County Circuit Court
Case Files - Criminal
March 1841

Box

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Folder

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State of Missouri

v.

McMillan, William

Counterfeiting Gold Coins

Counterfeit \$5.00 gold coins; change of
venue from St. Louis County; defendant
forfeited recognizance bond for Jefferson
County.

State of Missouri v.
County of St. Louis

State of Missouri v. William McMillan
St. Louis Crim. Court
March Term A.D. 1891.

In the Honorable the Criminal
Court of St. Louis County

Your Petitioner Wil-
liam McMillan, respectfully represents
unto your Honor that he is now held in
custody in said County to answer to an
indictment for counterfeiting certain
^{of the denomination of five Dollars} gold pieces found at the last Term
Term of this Court; that since the ap-
prehension of your Petitioner the pub-
lic newspapers in the City of ^{St. Louis} have published
accounts of the affair on which said indict-
ment is founded, and connected the name
of your Petitioner with the persons ap-
prehended on a similar charge, in such a
manner as to prejudice the minds of the in-
habitants of said County; and your peti-
tioner further represents that on his trial
at the last term of this Court for the said offense
he became much excited and in prop-
erly attempted to resist the authority of
the Sheriff of this County; for all which rea-
sons he respectfully submits that he cannot
have a fair and impartial trial in
said County; wherefore he prays
your Honor that a change of venue may
be allowed to some other County, it is in duty bound

with ever pray.

State of Massachusetts.
County of Suffolk.

I, William M. Miller,
do hereby certify that the allegations
made in the foregoing petition are
true to the best of my knowledge
and belief.

Sworn to and subscribed in open court
March 2^d 1841. J. D. Johnston, Clerk.

State of Massachusetts.
County of Suffolk.

I, Cyril C. Cady,
do hereby certify that the allegations
made in the foregoing petition
are true to the best of my knowledge
and belief.

Sworn to and sub-
scribed before me this

2^d day of March 1841.

John H. Chapman, Justice.

Cyril C. Cady

Teste W. M. Miller
Clerk of the Court
Deputy
George M. Mearns

Filed 3^d March 1841.
J. D. Johnston, Clerk.

State of Missouri

County of St. Louis }^{fs.} Be it remembered that at a term of the Saint Louis Criminal Court begun and held at the City of Saint Louis within and for the County of Saint Louis on the first Monday of January, being the fourth day of said month and in the year of our Lord One thousand eight hundred and forty one, were present the Honorable James B. Bowlin Judge, John Bent Esquire, Circuit attorney, Marshall Brotherton Esquire, Sheriff, and Julius D. Johnston, clerk of said Court, and the following Grand Jurors, to wit: James S. Purdy, who was by the Court appointed foreman, Herman L. Hoffman, Thomas J. Ferguson, Alton Long, Zeno Mackay, Paul M. Gratiot, Theodore Sabcaume, Gilbert Nowse, Nathaniel Patterson, David Martin, Peter Breen, Alexander S. Syle, George Bushey, John Whitehill, John Pitcher, William Rusley, Thomas H. West, William H. Boyce, David Shepard, James G. Barry, twenty good and lawful men, who being duly empannelled and sworn, and having received their charge from the Court retired to consider of their presentments, and on Thursday the seventh day of said month returned to the bar, and among other delivered the following indictment, to wit:

Indictment

State of Missouri, County of St. Louis - fs.

The Grand Jurors of the State of Missouri empannelled sworn and charged to inquire for the body of the County of Saint Louis, upon their oath do say that William Myers, Samuel Griffith, William M. Millam and John B. Richard, late of the County of St. Louis aforesaid, laborers, on the tenth day of November in the year of our Lord Eighteen hundred and forty, with force and arms at the County of St. Louis aforesaid, feloniously did counterfeit a certain piece of gold coin, then and there current within this State by the usage of this State, which said gold coin is of the denomination of five dollars, contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State. And the jurors aforesaid upon their oath aforesaid do further present that the said William Myers, Samuel Griffith, William M. Millam and John B. Richard, on the day and year aforesaid at the County aforesaid, sixty pieces of false and counterfeit coin of the likeness and similitude of of the good and current gold coin current within this State by the usage thereof, called five dollars, then and there feloniously and fraudulently did counterfeit, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State - John Bent, Circuit Attorney." Endorsed - "A true Bill - James S. Purdy, foreman"

2^d count

The State of Missouri

Counterfeiting Gold.

William M. Millam impleaded with William Myers & others } Now at this day comes as well the Circuit attorney who prosecutes for the State in this behalf as the said defendant in his own proper person who being forthwith demanded of and concerning the premises and how he will acquit himself thereof saith he is not guilty in manner and form as charged upon him in the said indictment and for his trial puts himself upon the Country and the Circuit attorney who prosecutes as aforesaid doth the like.

Monday 18th January 1841.

The State of Missouri

Counterfeiting gold coin.

William M. Millam impleaded with others } Now at this day comes as well the Circuit attorney who prosecutes for the State in this behalf as the said defendant in his own proper person, and thereupon come also a jury, to wit, Samuel Black Emerson Stansbury, John B. Shepard, Lancelot H. Culvert, William Jones, John Grant, Oliver Irwin, William H. Anderson, Robert Holmes, James R. Moore, James Parker, Horace B. Dickinson twelve good and lawful men who being duly elected tried and sworn the traverse between the parties aforesaid well and truly to try, retire to consider of their verdict, and after some time return to the bar and say they cannot agree among themselves what verdict to render, thereupon by consent of parties said jurors are discharged and the cause is continued.

March Term 1841. Tuesday 2^d March 1841.

State of Missouri County of St. Louis fs. State vs. William M. Millam. In St. Louis Crim Court March Term AD 1841.

To the Honorable the Criminal Court of St. Louis County. Your petitioner, William M. Millam respectfully represents unto your Honor that he is now held in custody in said county to answer to an indictment for counterfeiting certain gold pieces of the denomination of five dollars found against him at the last January Term of this court. That since the apprehension of your petitioner the public newspapers in the city of St. Louis have published accounts of the affair on which said indictment is founded, and connected the name of your petitioner with other persons apprehended on a similar charge, in such a manner as to prejudice the minds of the inhabitants of said county; and your petitioner further represents that on his trial at the last term of this court for the said offence he became excited and improperly attempt^{ed} to resist the authority of the Sheriff of this County; for all which reasons he respectfully submits that he cannot have a fair and impartial trial in said county wherefore he prays your Honor that a change of venue may be allowed to some other county. As in duty bound he will ever pray. State of Missouri County of St. Louis ss: I, William M. Millam, make oath and say that the allegations made in the foregoing petition are true, ^{to the best of my knowledge and belief.} William M. Millam. Sworn to and subscribed in open court March 2^d 1841. J. D. Johnston Clerk. State of Missouri - County of St. Louis ss: I, Cyril C. Cady, make oath and say that the allegations made in the foregoing petition are true to the best of my knowledge and belief. Cyril C. Cady. Sworn to and subscribed before me this 2^d day of March 1841. Elihu A. Shepard, Justice.

order for change of venue

State of Missouri }
William M. Millam impleaded with William Myers & others } On petition of said defendant, verified as required by law, and stating that the minds of the inhabitants of Saint Louis County are so prejudiced against him that he cannot have a fair and impartial trial therein, it is ordered that the venue of this cause be changed to the county of Jefferson in the ninth judicial circuit of this State.

Counterfeiting gold coin.

Wednesday 3 March 1841.

Recognizance

William M. Millam as principal acknowledges himself to owe the State of Missouri the sum of five hundred dollars, and Samuel M. Millam and Cyril C. Cady as his securities acknowledge themselves each to owe the State of Missouri the sum of two hundred and fifty dollars, to be levied of their respective goods and chattels lands and tenements, yet upon condition that if said William M. Millam shall appear before the circuit court of the county of Jefferson on the first day of the next term thereof to be held at the town of Hillsborough in said county on the third Monday of March instant then and there to answer to an indictment for counterfeiting gold coin whereof the venue has been changed from this county to said county of Jefferson and shall not depart that court without leave thereof, then this recognizance to be void, otherwise of full force.

State of Missouri }
County of St. Louis ss: I, Julius D. Johnston, clerk of the Saint Louis Criminal Court within and for the county aforesaid, certify the foregoing to be a full and true transcript of the record and proceedings of said court in the above entitled cause wherein the State of Missouri is plaintiff and William M. Millam, impleaded with William Myers and others is defendant, as the same now remain of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at office in the city of Saint Louis this thirteenth day of March in the year of our Lord One thousand eight hundred and forty one.

J. D. Johnston, Clerk.



4395
The State of Missouri

William McWilliam embossed with others

Counterfeiting gold coin

Carley

Clerk St Louis Criminal Court. — \$5.92
Shewell Brothers — — — 5.75
\$11.67

please forward 1574841

Wm. McWilliam

B/K

County of Jefferson Mo.

The State of Missouri

To the Sheriff of the County of Saint Louis G. R. H. H. S.
Whereas on the 3^d day of March in the year of our Lord Eighteen hundred and forty one before the Honorable the Criminal Court of the County of Saint Louis, in the City of Saint Louis then and there sitting a certain William McMillan late of the County of St. Louis, aforesaid, acknowledged himself to owe the State of Missouri the sum of five hundred dollars and a certain Samuel H. McMillan and a certain Cyril C. Cady as his securities acknowledged themselves each to owe the State of Missouri the sum of two hundred and fifty dollars, to be levied of their respective goods and chattels, lands and tenements, yet upon condition that if said William McMillan shall appear before the Circuit Court of the County of Jefferson on the first day of the next term thereof to be held at the Town of Hillsborough in said County on the third Monday of March instant then and there to answer to an indictment for counterfeiting gold coin, whereof the venue has been changed from St. Louis County to said County of Jefferson and shall not depart that Court without leave thereof, then their recognizance to be void otherwise of full force, which same recognizance on the fifteenth day of March in the year 1841, was into the Court here delivered, there of Record to be enrolled, and there before the said Court on the day and year last aforesaid, among the records of the said Court was enrolled, as by the record thereof in the said Court remaining manifestly appears, and whereas afterwards, in the said Court to wit, on the 16th day of March in the year aforesaid the said William McMillan, Samuel H. McMillan and Cyril C. Cady, although severally solemnly called to make their appearance, according to the form of the recognizance aforesaid, came not but made default of their appearance thereto, whereupon it was considered by the said Court that the said recognizance be perfected, as by the record and process thereof likewise remaining in the said Court manifestly appears, and the said sum of five hundred dollars by the said William McMillan and the said sum of two hundred and fifty dollars each by the said Samuel H. McMillan and Cyril C. Cady acknowledged as aforesaid, from them the said William, Samuel & Cyril, still remains to be levied; you are therefore hereby commanded, that by your lawful men of your bailiwick, you give notice to the said William McMillan, Samuel H. McMillan and Cyril C. Cady that they be and appear before the said Court to be held at the Town of Hillsboro within and for the County of Jefferson on the third Monday of July next, to show cause if any they have why the said several sums of money paid by them in form aforesaid acknowledged, ought not to be levied of their bodies, lands and chattels to the use of the said State of Missouri according to the form of their acknowledgement aforesaid if they shall think fit and further to do and receive what the said Court shall then and there consider concerning them in that behalf, and have then their names of those by whom you shall give them notice, and also

This writ, with your return thereon how you execute the same
Witness John V. Mathew, Clerk of said
Court with the seal thereof hereunto affixed
at Office in the Town of Hillsboro the 27th day
of March in the year A D 1841
John V. Mathew, Clerk

Executed this writ and made known
the contents thereof to Cyril C. Leary in the
County of St. Louis by offering to read ~~it~~ ~~and~~
the same to him on the 13th day of April
1841. which he said defendant refused to
hear - the other within named defendants not
found in my County
Fees \$2.00 = Marshall Brotherton
Shuff St. Louis County

Jefferson Co. Circuit Court.
July Term 1841.

The State of Missouri
vs } *Quia facias.*
William McMillan
Samuel McMillan
Cyril C. Leary

Ret & filed 19 July 1841
John V. Mathew, Clerk

Recd March 31st
1841
Mr Brotherton
Shuff

State of Missouri } Jefferson County Circuit Court
County of Jefferson } July 22 1841

The State of Missouri } Indict^d for counterfeiting Gold Coin
County of Jefferson } On forfeiture of Recognizance
vs Cyrus C. Leary, Cogniza } Now at this day comes the said
plaintiff by her attorney, and it appearing to the satisfac-
-tion of the Court that the writ of Scire facias awarded
at the last term of this Court had been duly served upon
Cyrus C. Leary one of the Cognizors of the said William
McMillen and the said Cyrus C. Leary being solemnly
called comes not but makes default. Therefore it is considered
by the Court that the said plaintiff have and recover of
the said Cyrus C. Leary the sum of five hundred dollars
the amount specified in said recognizance, as well as her
costs and charges by her about her prosecution in this behalf
expended and that she have execution therefor.

Bill of costs.

John McArthur Clerk Jeff ^r Co. Court	\$3.25
McMurry Sheriff Jeff ^r County	.70
W. Johnson Clerk St. Louis Circuit Court	5.92
McBrother Sheriff St. Louis County	5.75

Amount	\$15.62
	4.00
	<u>19.62</u>

State of Missouri }
County of Jefferson } John S. McArthur Clerk of the
Circuit Court within and for the County of Jefferson aforesaid
Certify the above to be a correct account of the costs in the
above cause, and the Indict^d for the same against Cyrus
C. Leary Cogniza &c. The Penalty having been remitted
by the Governor of the State of Missouri

In testimony whereof I hereunto set
my hand and affix the seal of said
Court at Office in Hillsboro the
twelfth day of April A.D. 1842

John S. McArthur Clerk





The State of Missouri
v
Wm. H. Miller

Free Will against
Slavery

The State of Missouri

Do all to whom these presents shall come:

Greeting

Know ye, that by virtue of authorisation in relation by law, and for good and sufficient reason appearing, of Thomas Reynolds Governor of the State of Missouri, as hereby acquit, discharge, absolve, and forever dispense Daniel McWhorter and said Lady from further liability and payment of two several forfeitures, incurred by them as organizers for the appearance, in the Circuit Court of Jefferson County, at its March term 1841, of William McWhorter who was severally indicted in the County of St. Louis, for the crime of counterfeiting gold coin, and Grand Larceny, and the said Daniel McWhorter and Reynolds being there by operations of these presents, from further accountability for, and payment of the said forfeitures, as above committed and incurred (except the cost consequent and accruing thereof be known acquit and discharged

In testimony whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this twenty third day of September in the year of our Lord one thousand eight hundred and forty one

Thomas Reynolds

By the Governor

Wm. S. Winger
Secretary of State



The State
vs
Coary & Co
remission of
amt of Judgments

Recd July 1st
1842
M Brotherton
Off

No 13
Jefferson Circuit
March Term 1842
The State of Missouri
vs
Execution
vs
Cyril & Henry
Jury July 22 1841.
Shut \$252.00
Fees
Cyril & Henry \$2.50
M Brotherton Off 2.00
\$254.50
Fees \$41.25
Service 1.00

This writ is returned unsatisfied
as to the amount of the judgment
for the reason that the defendant
was acquitted and discharged from
the payment thereof by the Governor
of the State of Missouri. as will
appear from a warrant which
returned with an execution from
the Circuit Court of Jefferson
County which execution is of even
date with this writ costs paid
by defendant

M Brotherton
Off

STATE OF MISSOURI,

COUNTY OF JEFFERSON, SCT.

To the Sheriff of the County of ^{the said} ~~Jefferson~~ GREETING:

Whereas, the State of Missouri
thereof, recovered against *Levy & Leary as assignors of William W. Wither*
on an Assistant for Counterfeiting State Bonds and costs on a
charges by her about her *prosecution in this behalf expenses*

which to the said *State of Missouri* were adjudged, as appears to
us of record: These are, therefore, to command you, that of the goods and chattels, lands and tenements of the said

Levy & Leary costs; that you have the same before the Judge of our said Court, on the *third* Monday of
November next, to render to the said *State of Missouri* the charges
and costs aforesaid. And for want of sufficient goods and chattels, lands and

tenements, whereon to levy and make the same, we command you to take the said *Levy & Leary* if
he be found in your bailiwick, and *his* safely keep, so that you have *his* body before the same Judge, on the said
third Monday of *November* to satisfy the said *State of Missouri* of the
aforesaid charges costs, and that you certify to our said Judge how you execute this writ; and have you then and
there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court, at Hillsboro', the
first day of *September* in the year of our Lord,
one thousand eight hundred and forty. *two*,

John S. Mathews
CLERK C. C.

Received this 13th September 1842

J J Montgomery Shff

I hereby Certify that Mr Cyrie & Caday the within named
defendant has produced to me Mr Brothertons (Shff of
St Louis County) Receipt for nearly all the Cost on the
within named Suit - & that the said Caday has
also filed his Petition for the benefit of the Bank-
rupt Law - Given under my hand this 11th day of
Nov 1842

J J Montgomery Shff Marion
County

\$1.00

John Lebericourt Sheriff
St Louis 1842

The State of Missouri
vs } By execution
Cyrie & Caday

Recd July 17 1841

Shff atty & Mr \$4.25

Shff atty & Mr 1.70

Shff atty & Mr 5.92

Shff atty & Mr 5.75

Shff atty & Mr 4.00

Shff atty & Mr 2.06

Shff atty & Mr 1.00

Shff atty & Mr .50



The State of Missouri

To John S. Mathews, Clerk of Jefferson
County Circuit Court & others Dr

For fees in the following case to wit

The State of Missouri } Indict for counterfeiting Gold coin
vs } On change of Venue from St Louis
William McMillen } Recognizance forfeited

To John S. Mathews Clerk docketing cause &c. appear }
10 entering for forfeiture &c. Sire facias 1.00 filing 2 papers } 2 22 1/2
Mc Millen Sheriff calling cause & parties 30. calling Bail }
20 ----- 50

W D Johnston Clerk St Louis ----- 5 92

Mc Brotherston Sheriff St Louis ----- 5 75
\$14 39

Mc Brotherston return of Sire facias 2 00

John S. Mathews Postage 25
\$16 64

Order 25. Court 25. Quaght &c ----- 1 00
\$17 64

W. H. State
no
Providence

17. 64.

State

Stephen County Circuit Court

vs

June 1841

James M. Williams vs Joseph & George a tithing

in the above cause claiming his attendance on the part of
the plaintiff as follows to wit

At day's attendance from Illinois

\$12.00

48 miles travel to & from Court 54

2.20

Drawn to and disbursed before

\$4.20

the 11th day of June 1841

Wm. D. Weatherly Clk

Joseph M. Webb

State
vs

Wm McMillan

Joseph Shook
fee bill

filed March 16th 1841

J Mathew Clerk

Dear Sir

your letter of 16th Augt 1841 was
duly received. it contained the forfeiture
of the recognisance in our case only
which I sent to the Governor, and that
you will see we are released from.
There was three cases. and if there was
a forfeiture in all three cases I will
beg that you will send me forthwith
the forfeiture in the last two cases, as I
am anxious to have them settled, please
write to me all about the matter so that
I may send you the money for the cost
tho. and by so doing you will much
oblige your Obedient Servant
Jas. H. McMillen

526.59
431.98
361.73
94.41
90.25
431.98

James H. Phillips

Answered

Character of the young and entire or
see Book No 2 page 321

John H. Anthony M.D.