

Jefferson County Circuit Court
Case Files - Criminal
March 1841

Box

5 Folder 66

State of Missouri

v.

McMillan, William

Grand Larceny

Defendent stole clothing and currency
from William C. Garrison; Change of venue
from St. Louis County; Defendent forfeited
recognizance bond for Jefferson County.

John McMillan
County of St. Louis

State vs. Wm. McMillan } In St. Louis Criminal Court
about term A.D. 1841.

To the Honorable the Judges of the
St. Louis Criminal Court.

Your Petitioner Wil-
liam McMillan respectfully represents
that in your Honor, that he is now
held in custody to answer to an indict-
ment for, having found at the last Term
of said Court against him; that since
his apprehension the public newspapers
in the City of St. Louis have published accounts of
the affair on which said indictment was
found, and connected the name of your
Petitioner with other persons charged
with ^{the} ~~a similar~~ crime, ^{as appearing} in such a man-
ner as to prejudice the minds of the inhabi-
tants of said County against him; and your
Petitioner further represents that on his trial
at the last term of this Court a person another charge
being much excited, he made an improper resist-
ance to the authority of the Sheriff of said County, so
as to prejudice the minds of the people against
him; for which reasons he respectfully sub-
mits that he cannot have a fair and im-
partial trial in said County, where he
purposes to answer that a charge of same
kind be allowed him in said term of said
County, as an act of law will ever pass.

State of Mississippi
County of Adams

I William McMillen make
oath and say that the allegations
made in the foregoing petition are
true to the best of my knowledge and
as I believe.

Sworn to & Subscribed in open court
March 2^d 1841. J. D. Johnston Clerk

William McMillen

State of Mississippi
County of Adams

Cyril C. Cady

I make oath and say that the allegations
made in the foregoing petition are true
to the best of my knowledge and as I believe.

Sworn to and sub-
scribed before me

Cyril C. Cady

this 2^d day of March 1841

John H. Shepard Justice

Filed 3 March 1841
J. D. Johnston, Clerk

Teste
no.
McMillen
Seems -
Petitioner for a Change
of Name

State of Missouri

County of St. Louis } 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 said 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 W. 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 J. Purdy, who was by the Court appointed foreman, 2. Herman L. Hoffman, 3. Thomas J. Ferguson, 4. Alton Long, 5. Zeno Mackay, 6. Paul M. Gratiot, 7. Theodore Sabcaume, 8. Gilbert Nourse, 9. Nathaniel Patterson, 10. David Martin, 11. Peter Breen, 12. Alexander L. Syle, 13. George Bushey, 14. John Whitehill, 15. ~~Ben~~ John Pitcher, 16. William Risley, 17. Thomas H. West, 18. William H. Boyce, 19. David Shepard, 20. 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 presents, and on Thursday the seventh day of the month aforesaid returned to the bar, and among other, delivered the following indictment, to wit:

Indictment

State of Missouri, County of Saint Louis ss.

The Grand Jurors for the State of Missouri empannelled sworn and charged to enquire for the body of the county of Saint Louis upon their oath present that William M. Millan and John B. Richard late of the county of Saint Louis aforesaid, laborers, on the tenth day of November in the year of our Lord One thousand eight hundred and forty, with force and arms at the county of Saint Louis aforesaid, one dozen pairs kid gloves, two pieces Irish linen, one piece imitation linen, four fur caps, one wollen cap, one pair dog-skin gloves, one piece Gros-de-Naples silk, two pair white silk gloves, four pairs lambs wool socks, four pair white cotton stockings with silk clocks, four belt ribbons, two pair suspenders, one piece calico, one pair Jeans pantaloons, 1 pair casinet pantaloons, 1 cask silk handkerchiefs, 2 capes, 1 cotton shawl 1 linen round about, one hammered sand dollar, three breast pins, one dollar note & one American twenty five cent piece, of the value of fifty dollars, of the goods and chattels of one William C. Garrison then and there being found, feloniously did steal, take, and carry away, contrary to the form of the statute in that case made and provided and against the peace and dignity of the State. John Bent, Circuit Attorney. - Endorsed - "A true bill. James J. Purdy, foreman"

Plea

The State of Missouri

Grand Larceny.

William M. Millan, impleaded with John B. Richard. Now at this day comes as well the Circuit Attorney who prosecutes for the State 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. Continued on application of the defendant.

March Term 1841. Tuesday 2^d March 1841.

Petition for a
Change of Venue

State of Missouri County of St. Louis ss. State vs. W^m M. Millan In the St. Louis Crim. Court. March Term A. D. 1841.

To the Honorable Judge of the St. Louis Criminal Court - Your petitioner William M. Millan respectfully represents unto your Hon that he is now held in custody to answer to an indictment for larceny found at the last term of said court against him. that since his apprehension the public newspapers in the City of St. Louis have published accounts of the affair on which said indictment was founded and connected the name of your petitioner with other persons charged with the crime of counterfeiting in such a manner as to prejudice the minds of the inhabitants of said county against him; and your petitioner further represents that on his trial at the last term of this court upon another charge being much excited he made improper resistance to the authority of the Sheriff of said county so as to prejudice the minds of the people against him, for which reasons he respectfully submits that he cannot have a fair & impartial trial in said county, wherefore he prays your Hon that a change of venue may be allowed him in said cause to some other county.

and as in duty bound he will ever pray. State of Missouri, County of St Louis ss: I William McMillan make oath and say that the allegations made in the foregoing petition are true to the best of my knowledge and belief. William McMillan. 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 his knowledge and belief. Cyril C. Cady. Sworn to & subscribed before me this 2^d day of March 1841. Elihu H. Shepard, Justice.

order for change of venue

The State of Missouri } Grand Larceny
William McMillan impleaded with John B. Richard } ^{petition} On motion 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.

Wednesday 3^d March 1841.

Recognizance

William McMillan as principal, and Samuel H. McMillan and Cyril C. Cady as his securities acknowledge themselves to owe the State of Missouri the sum of one thousand dollars, that is to say the said principal to owe the sum of five hundred dollars, and the said securities to owe the sum of two hundred and fifty dollars ^{each} 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 in the ninth judicial circuit of this State 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 found against him in this county for Grand Larceny, and removed by change of venue 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 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 St Louis this thirteenth day of March in the year of our Lord One thousand eight hundred and forty one.

J. D. Johnston, Clerk.



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The State of Missouri

H.

William M. Wilson implicated with Richard

Grand Jurors

Fees of Clerk of Court's office: court \$6.59
Shaw's Courtroom - 4.62
\$11.21

filed March 15th 1841

W. M. Wilson

Shaw

County of Jefferson Mo.

The State of Missouri

To the Sheriff of the County of Saint Louis. GERRIT H.
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 for the County
of Saint Louis, in the City of Saint Louis then and there sitting, a certain
William McMillan as principal and a certain Samuel H. McMillan and
a certain Cyril C. Cady as Securities, acknowledged themselves to owe the State
of Missouri the sum of one thousand dollars, that is to say the said prin-
cipal to owe the sum of five hundred dollars, and the said securities to owe
the sum of two hundred and fifty dollars each, 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 in the ninth Judicial Circuit of this State on the first day
of the next term thereof to be held at the Town of Hillsboro in said
County on the third Monday of March instant then and there to answer to
an indictment found against him in the County of Saint Louis aforesaid for
Grand Larceny, and removed by change of venue 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 said recognizance
on the fifteenth day of March 1841. into the Court here was 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 sixteenth day of March
in the year 1841. 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 forfeited, 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 the said Cyril C. Cady acknowledged as
aforesaid, from them the said William McMillan or Cyril still remain
to be levied; you are therefore hereby commanded, that by good and 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 shew
cause if any they have, why the said sum of money in sum 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 acknowledgements aforesaid if they shall think fit, and further
to do and receive what the said Court shall then and there consider

concerning them in this behalf, and have then there the names
of those by whom you shall give them notice. and this writ
Witness John Silbathew, Clerk of our
said Court with the seal thereof hereto affixed
at Office in the Town of Hillsboro the 27th
day of March in the year 1841
Jno. Silbathew Clerk

Executed this writ in the County of St. Louis
on the 13th day of April 1841. and ~~offered to read~~
made known the contents thereof to Cyril C. Cady one
of the within named defendants. and offered to read to
said defendant this writ which he refused
to hear. the other within named defendants
not found in my County

Fees \$2.00

Marshall Brotherton
Sheriff St. Louis County

Jefferson Co Circuit Court
July Term 1841

The State of Missouri
vs { *Ex facie*
William McMillan
Samuel H. McMillan &
Cyril C. Cady.

Not filed 19th July 1841
Jno. Silbathew Clerk

Recd March 31st
1841
M Brotherton
Shff

STATE OF MISSOURI,

COUNTY OF JEFFERSON, SCT.

To the Sheriff of the County of ~~Jefferson~~ *St. Louis* GREETING:

Whereas,

The State of Missouri
thereof, recovered against *Byrie & Co, Deary, the sum of two thousand and fifty*
dollars on a judgment of his recovery as security for the said
on an indictment for a crime and in default for not appearing
after being served with process upon him and returned and also the
costs and charges about the said indictment that he had expended and
that he have execution therefor
which to the said *State of Missouri* we are 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

Byrie & Co

costs; that you have the same before the Judge of our said Court, on the *first* Monday of

March

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

Byrie & Co

he be found in your bailiwick, and *him* safely keep, so that you have *him* before the same Judge, on the said

first Monday of *March*

to satisfy the said

State of Missouri of the

aforesaid 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. MATTHEWS, Clerk of our said Court, at Hillsboro', the

first

day of *February*

in the year of our Lord,

one thousand eight hundred and forty. *True*

John S. Matthews
CLERK C. C.

Beckerly 3rd
1842
M. Brotherton
Sherriff

Woffen on be be be be
March Term 1842
The State of Missouri
vs Brotherton
by be be be
May 22 1841
Writ \$250.00
Jury. Brotherton 2.50
be be be be be 2.00
\$8.00 \$254.50
Jail fees \$1.50
Jewels 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
from the payment thereof by
the Governor of the State of
Missouri as ^{well} appears from the
warrant returned with this
writ. costs paid by defendant
Marshall Brotherton
Sherriff

State

vs

Jefferson County Circuit Court

March Term 1844

Wm M. Williams

vs Wm C. Garrison

as tortfeasor

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

2 days attendance from Illinois \$2.00
48 miles travel to & from court 2.20

\$4.20

Given to and subscribed before

me this 15th day of March 1844

Wm C. Garrison

Wm C. Garrison

State
vs
Mc Millan

W B Garretson

fee bill

filed Mar 16th 1841

J Mathews. Clk

51

55.87

581

52

281

21

28