

Jefferson County Circuit Court
Case Files - Criminal

November 1844

State

vs.

Brown, Austin

Selling liquor without a license

Sold to John Baldwin

Box 7 Folder 8

State of Missouri
Jefferson County

Jefferson County to wit. The Grand Jurors of the State of Missouri empannelled. Sworn and Charged to inquire in and for the body of the County of Jefferson aforesaid. Upon their oath present. That Austin Brown late of the County aforesaid. heretofore to wit, On the first day of October in the Year One Thousand eight hundred and forty four - at and in the County of Jefferson aforesaid did then and there, without any license whatever for that purpose sell Spirituous liquor. That is to say Whisky in a less quantity than One quart. And to be drunk at the place of Sale - And did also then and there sell Spirituous in a less quantity than one quart. And to be drunk at the place of Sale. to wit One Pint of whisky to one John Baldwin then and there being for the price and sum of twelve and one half Cents for a half pint of said whisky and to be drunk at the place of Sale - And did also then and there sell Spirituous liquor That is to say whisky in a less quantity than One quart. And to be drunk at the place of Sale, to divers other persons then and there being (to the Jurors aforesaid unknown) at the rate of ten Cents for a half pint of said whisky to be drunk at the place of Sale - without then and there having a license to keep a Grocery - or a Dram Shop - or a Tavern. or any other license for that purpose Continuing in force according to law - Contrary to the form of the Statute in such Case made and provided - And against the Peace and Dignity of the State of Missouri - Jno S Bradley Circuit Attorney

State

vs.

Hester Brown

Indictment for selling
spiruous liquor
without a license

"A true bill"

Willard Angell
foreman

of the Grand Jury

leeds charges

Wm. A. Allen
clerk

Witnesses for State

John Baldwin

Levi Sloan

Wesley Pierce present

County of Jefferson, sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to take Austin Brown

if he be found in your county, and him safely keep, so that you have his body before the Honorable Judge of our Circuit Court, now in session at the Town of Hillsboro within and for the County of Jefferson, forthwith to answer unto the State of Missouri, of an indictment found against him by the Grand Inquest for the body of the County of Jefferson, for selling spirituous liquors without license.

contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Hillsboro — this twenty seventh day
of November, in the year of our Lord eighteen hun-
dred and forty four.

John S. Mathews — Clerk.

I executed the within Write By Dukeing Austin
Brown and Dukeing his Bond for his appearance at
the May Term of Jefferson County Court Court to be
begun and held in the Town of Hillsboro on the
2nd day of May 1845 on the 7th day of
February 1845

John Hammond Sheriff
by James Mc Colloch Deputy
Sheriff

The State of Missouri
in
County of Jefferson.
Austin Brown.

Sheriff fee \$1.50

filed at May 20th 1845
J. W. Weather
Clerk

of &c. entered the within write by Dukeing Austin
Brown and Dukeing his Bond for his appearance at
the May Term of Jefferson County Court Court to be
begun and held in the Town of Hillsboro on the
2nd day of May 1845 on the 7th day of
February 1845

Know all Men by these presents that I Austin
Brown as principle and Michael McKay
as Security are held and firmly bound to
John Hammond Sheriff of Jefferson County in
the sum of one hundred and fifty Dollars for
the payment whereof we bind ourselves and our heirs
and Administrators and assigns firmly by these presents
as witness our hands & Seals this 7 day of February
1845 the Condition of the above obligation is
Such that the whereas the above bond Austin Brown
at the November Term of the Jefferson County
Circuit Court was indicted for selling Spirituous Liquor
without License and on the 27th day of ~~the~~ November
a Writ was issued against the said Austin Brown
which was given to John Hammond Sheriff as above
id and by him on the 7th day of February 1845 Executed
by taking the aforesaid A Brown & taking his bond
with
as Security the Condition of
his bond is Such if the said Austin Brown
shall appear at the next Term of the Jefferson
County Circuit Court to be begun and held in the Town of
Hillsboro on the fourth Monday in May next
1845 then this obligation to null and void Else
Remain in full force as witness our hands and
Seal this the 7 day of February 1845

John Hammond Sheriff
by James McColloch Deputy

Austin Brown
Michael McKay

Seal
Seal

COUNTY OF JEFFERSON, Sct.

CLERK OF MISSOURI,

TO

John B. Albrecht
Louis B. Albrecht
Wesley B. Albrecht

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Licence* Court on the *twenty sixth* day of *May next* at the town of Hillsboro', 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 *Austin Brown* is defendant on the part of the *plaintiff*

WITNESS, JOHN S. MATTHEWS, Clerk our said

Licence

Court, at the town of Hillsboro', this *twentieth* day of *April* in the year of our Lord one thousand eight hundred and forty-

John S. Matthews CLERK.

I served this writ on John
Bulawa and Levi Sloan by reading
on the 24th day of April 1845
and on Westley Pearce on the 1st day of May
by notifying his father (Washington Pearce)
John Hammond Sheriff

In the Circuit Court

Mar Term 1845

State of Missouri

vs. Subpoena

Austin Brown

for

John Sloan

Westley Pearce

1st day for \$150

Filed May 26 1845

Prof. Weathering
Clerk

COUNTY OF JEFFERSON, Sct.

SUBJECT SEPAEED OF MISSOURI,

TO

Washington Pierce
Edwin Abilthum
Nathan Shier

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Severick* Court on the *twenty* day of *May* *first* at the town of Hillsboro, then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein *they take of the issue* is plaintiff and *against them* is defendant on the part of the *separants*

WITNESS, JOHN S. MATHEWS, Clerk our said *Severick*

Court, at the town of Hillsboro, this *twelfth* day of *May* in the year of our Lord one thousand eight hundred and forty *five*

John S. Mathews CLERK.

I Served this writ on Nathan Pearce on the 11th day of
 May 1845 by Reading the Same in his presence and
 hearing Served on Washington Pearce on the 11th day of
 May by Reading the Same in his hearing John Hammond Shuff
 Elias Hillborn (not found at my
 Bailurek

In Jeffersons Circuit Court

May Term 1845-

The State of Missouri

vs } subpoena

Austin Brown

Washington Pearce

Elias Hillborn

Nathan Pearce

For defendant

1st day

Shuff for \$ 1.12

Filed May 26th 1845-

Prof. McArthur

Clerk

If the Jury believe from the Evidence
that Brown the ~~Def~~ sold the whisky
in a ~~large~~ quantity, that ~~he~~ ^{he} ~~is~~ ^{is} ~~guar~~ ^{guar}
without a License, they are bound to
find him guilty - Even if they think
the whisky did belong to Handan -

2. If the Jury are satisfied from
the Evidence, that Brown and Handan
both sold whisky ~~there~~ ^{to} ~~is~~ ^{is} ~~guar~~ ^{guar}
without a License
(no matter whose whisky it was)
then, they are both guilty - and
both liable to Indictment

Penalty for Abol

If the jury believe from the evidence
that the ~~defendant~~ ^{defendant} acted with ~~intent~~ ^{intent} or
~~malice~~ ^{malice} they shall find that they
must find for the defendant.

~~And~~ the jury are ~~not~~ ^{not} to
find the defendant ~~guilty~~ ^{guilty} if
they ~~find~~ ^{find} in fact, the ~~defendant~~ ^{defendant}
or ~~the~~ ^{the} ~~defendant~~ ^{defendant} must find for the
defendant.

That the jury must believe from the
evidence that the ~~defendant~~ ^{defendant} acted with

Instructions

Filed Nov 24th
at St. Louis Mo
by J. C. Fletcher
Att

State of Missouri } Indictment for selling
vs. } whiskey without Licence
Austin Brown }

S. D. Circuit Court of
Jefferson County Nov. Term 1845

Personally appeared before me
James L. Dunklin Clerk of the Circuit
Court of Jefferson County, Austin Brown
the above defendant, who being duly sworn
upon his oath states that he cannot safely
proceed to trial ^{in the above case} for want of a material wit-
ness, and that he has used due diligence
to procure the same, and that if the trial
be continued he believes he will be able
to procure said witness ready for trial
at the next Term.

Subscribed & sworn to before
me Nov 24th 1845

Austin & Brown

J. L. Dunklin
Clerk

State

is,

Arthur Pearson

Affidavit

for

Continuance

Term

October 24th
1845

per Wm. H. Smith
Clerk

John L. Smith

COUNTY OF JEFFERSON, Sct.

FILED SEPARE OF MISSOURI,
TO Washington Price. Elias Withers
William Price

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Sevier* Court on the *twenty fourth* day of *November* at the town of Hillsboro', 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 Tennessee is plaintiff and
the part of the *defendant* on

WITNESS, *John S. Matthews*
~~John S. Matthews~~, Clerk our said *Sevier*

Court, at the town of Hillsboro', this *seventeenth* day of *November* in the year of our Lord one thousand eight hundred and forty-*five*

John S. Matthews CLERK.

Executed the within this 24th of Jan
1845 John Williams cons

In the Pierce's Case
for Term 1843

State
vs Jackson
Austin Brown

for Defendants
Washington Pierce
Chas Williams
Nathan Pierce

12th Day

Filed Nov 26th / 1843
vs Daniel
Cibola

COUNTY OF JEFFERSON, Sct.

~~THE~~ ~~SUPERIOR~~ OF MISSOURI,
TO Levi Elcan Meely Deice
John Balthus

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Deice's* Court on the *Twenty fourth* day of *November* at the town of Hillsboro', 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* - *vs* - plaintiff and *Association of Brown* - *vs* - defendant on the part of the *Relatives*

WITNESS, *Ed Quinther*
~~John D. Matthews~~, Clerk our said *Deice's*
Court, at the town of Hillsboro', this *Twenty*
day of *November* in the year of our
Lord one thousand eight hundred and forty-*five*

Ed Quinther
CLERK.

I Executed this writ on ~~James~~ Eve John Bold
win and Leve & Low by reading the same in
their Hearing November the 11. th 1845

in Council Court
Nov Term 1845

Attest
Wm E. Smith

Justice of Peace

for the

San Antonio

County Texas

14 day

John Galatrin

Sheweth \$150

Julia Nov 26 1845

for Rent
Cell

Let the jury do find the defendant guilty
in the murder and from as charged in
the indictment and assess the fine at
five dollars

Stephen Smith

Foreman

Verdict of
Jury—

State
in
Austin Brown

Filed Nov 25th
1845—

J. D. Smith
et al

State
of ^{ny.} New York } an Connection

November Term 1845.

To the Clerk.

I claim my fee of Ten
Dollars allowed by law in the above
Case, and you will charge the same in
the Bill of Costs -
Nov. 26 1845.

Jas. O. Smithy Counsel

A. H. H. H. H.

State

no.

Austin Brown

for Bill \$10⁰⁰

Paid No 25-1845-

for D. undelin
etc

James Newman John Stuckey

John Senter Elisha Mancee, Abraham
Heargs. Mark Woods. William Smith
Green M. C. Lee, Jesse Jones. Jacob
Harcourt. Sharon Cortis & Lewis Jordan

Post

Mr. J. W. Smith

Lept. pumilio 200000 - Nov 26 1845 -
Born 2 - 10 5555 -

Grav. 1845 -
even