

Jefferson County Circuit Court
Case Files - Criminal
May 1853

Box 7 Folder 57

State of Missouri

v.

Rose, John W.;
Manly, Martin B.;
Manly, James

Assault with intent to kill

Defendants assaulted James T. Moss
with a gun; Defendants found not
guilty; depositions

State of Missouri } ss.
County of Jefferson }

This day came personally before me, Abner Green, a Justice of the Peace in & for said County, James T. Moss, who being by me duly sworn, deposes and says, that on the 30th of January 1853, at the County aforesaid, John W. Rose, Martin B. Manly, and James Manly, came to the house of said Affiant's Father, in said County, one of whom had a gun, and the other two, pistols, and then and there, ^{assaulted &} attacked said James T. Moss, threatening to shoot him - and the said John W. Rose did, ^{on purpose, of malice aforethought} shoot at said Moss with intent to kill, and ^{he} thinks it was James Manly who shot him (Affiant) with a pistol.

James T. Moss
subscribed & sworn to }
before me this 31st day }
of January 1853. Abner Green
Justice

State
vs

More, Henry S. More

Affidavit,

Introduces fees 23-

1

The State of Missouri,

To the Sheriff,
or any constable of the County of Jefferson,
Greeting: Whereas, James T. Moss of said
County, has this day given information,
upon oath to me, Abner Green, a Justice
of the peace, within and for said County
of Jefferson, that on the 30th day of Jan-
uary 1853, at the County aforesaid, John
W. Rose, Martin B. Manly, and James Manly,
came to the house where said Moss lived
in said County, and then and there assault-
ed said James T. Moss with intent to com-
mit a felony, - ^{threatening to shoot him.} and said John W. Rose, did
then & there feloniously, on purpose and of
malice aforethought, shoot at said James
T. Moss with a gun, with intent to kill
him the said Moss, - and James Manly also,
then & there, feloniously shot at him with a
pistol, with intent to kill him, said Moss.

These are therefore to command
you, forthwith, to apprehend the said
John W. Rose, Martin B. Manly, and
James Manly, and bring them before
me, to answer the premises, and further
to be dealt with according to law.

Given under my hand and seal
at the County of Jefferson aforesaid, this
31st day of January 1853.

Abner Green (seal)
Justice

I executed the within writ at the county of Jefferson on the
 31st of January A.D 1853. by arresting the within
 named John W Rose and Martin B Manly and have
 their bodies now here before the within named Justice
 the within named James Manly not found in
 my county. James M Pollock Sheriff

State

vs.

John W. Rose

Martin B. Manly

James Manly

Warrant

Justice fees 20-

Sheriff fees 42.00

and 43.00

Amber &
 and Menager each 1.50

1.50
 1.20
 2.70

1.80
 1.50
 3.30

60
 1.50
 2.10

The State of Missouri;

To William White, Bonds

Manuel G. J. Johnson, D. Prieister, George Johnson,

and J. Daniel. — Upon each of you,

we hereby commenced, that all evidence & matters being set aside, you be and persona appear before the undersigned, a Justice of the Peace in and for said County, on the

3rd day of February 1853, at nine o'clock

in the forenoon, at my Office in St. Louis,

in said County, to testify on the trial of the

cause wherein the State of Missouri is plain-

tiff, and John W. Rode and Martin A. Menden-

are defendants, on the part of the De-

fendants, — and of this you are not to

fail at your peril. — Given under my

hand this 1st day of February 1853. — Angus Green

Justice

State
vs.
Rose & Mandy
Depts. Witnesses
J. W. Thomas +
Wm. Will
G. J. Johnson
B. P. Prier +
Leese Johnson
A. Dancer
Justices fees 13^{cs}
Court fees \$1.00

I certify the bill is made by adding the within
in the proceedings of Jas Thomas & private Smith
and Jesse Johnston on this 3 day of Feb 1853
Robert Stewart
Clerk

The State of Missouri; - Dr Augustus Ma-
mons, George Mofs, since ~~Dr~~ James Mofs,
Thomas Mofs, Inwith Mofs, Richard W. Johnson Mofs.

You and each of you are hereby Committed
 to, that all expenses and delay, being set
 aside, you be and personally appear before
 the undersigned Judge of the Peace in and
 for said County, on the 1st day of February
 1853, at ten of the clock, at my Office in
 Millers in said County, to testify on the
 trial of the Case wherein the State of Missis-
 sippi is Plaintiff, and John W. Moore, and
 Martin D. Manly are Defendants, on the
 part of the Plaintiff. — and hereby bind
 not at your peril.

Given under my hand this 1st day of February 1853. Alfred Green

Alfred Green
Jno Lee

Proceeded the within writ in the within
named persons by reading it in their presence
and hearing on the 1st day of February 1853
James Webster Sheriff

State
vs.

Rose & Menly

Plffs. & witnesses

Justices fee 13-

Sheriff fees \$3.00

The State of Missouri

Wm. Linn, Strine, James, Henry,

James W. Linn, George W. Linn, and Richard W. Linn.

Now and each of you, are hereby commended,
that all persons and delays being set aside, you
be and personally appear before the undersigned
a Justice of the Peace, in and for said Jefferson
County, on the 30th day of February 1853, at nine of
the clock in the forenoon, at my office in
Mexico, in said County, to testify on the
trial of the cause, wherein the State of Miss-
ouri is Plaintiff, and John M. Moore, and Martin
W. Murphy are Defendants, on the part of the
Defendants. - and of this, you are not to fail,
on pain of law.

Given under my hand this 7th day
of February 1853.

J. Alfred Green
Justice

I executed the within writ in Lewis & Clark by reading it in his presence & hearing on the 1st day of February 1853 also on the within named premises by reading it in their presence and hearing on the 3d day of Feb 1853

State
vs.

Rose & Manly

Defts witnesses
 Louis Finie 2 day
 Isaac Mofs 1 "
 George Mofs 2 "
 Richard Mofs 1 "
 Justices fee - 13^{cts}
 Sheriff fees \$2.00

James McCallloch Sheriff

The State of Missouri -

vs.

John W. Rose
Martin B. Manly

Prosecution for an assault
with intent to kill.

State of Missouri } ss.
County of Jefferson }

Testimony of Plaintiffs
witnesses taken before

me, Abner Green, a justice of the peace in
and for said County, on the 2nd day of Feb-
ruary 1853. -

James T. Moss, - of lawful age, being produced,
sworn and examined, in behalf of the State,
deposes and says, on Sunday morning last Jan-
uary 30th 1853, I went out a hunting, with my
gun, and on my return home, I saw John
W. Rose, Martin B. Manly and James Manly,
standing near my Father's house - the two
Manly's were holding said Rose - He ap-
peared to be pulling back, like ^{as if} he wanted
to get to the house - As I came up said Rose
picked up his gun, and I then said Boys
bring me the Rifle, he drew up his gun and
presented it, meaning he would blow me
through if I did not lay my gun down -
I then walked down to get the Rifle, he
standing with his gun presented. - I have
got the Rifle they ran off 20 or 30 steps
from where they stood, and John W. Rose turned round and fired
at me, I was facing them at the time.
He then wheeled to get away, & I fired
at him with the rifle. They then left, &
I saw them no more. I cannot say
whether there was more than one fired
at the time or not. They were about 75
or eighty steps from me, when Rose fired

his gun - Of the three seen at the ^{third} spoken of, when I came up near the House, John W. Rose, and Martin B. Manly are now here before the Court. All this occurred in the County of Jefferson & State of Missouri.

The road bends around the House of my Father before spoken of, & they, the prisoners, were standing, when I first saw them, between the road and the house, about ten steps from the road, (which is at this point about 30 steps from the House,) but not in a direct line. - They were standing between state road & another road, leading to the house, - When I first saw them, one of them was rather facing me - Rose, as they were holding him, had his back towards the house, was facing the road. - They had a bottle of whiskey, & seemed to be drinking. But, of this, I am not certain. - I have no acquaintance with Rose & had never before spoken to him, but I knew him when I saw him.

There had been, for some time previous, difficulties existing between the two Manlys, and James Thomas and myself.

And further deponent saith not.

Sworn to and subscribed J. T. Moss
before me this 2nd day
of February 1853. Abner Greene
Justice

Augustus Adams, of lawful age, being sworn and examined, deposes and says, that, on Sunday last, James T. Moss, took his gun, and went out a hunting, - while he was gone, John W.

Rose, Martin B. Mauley, (who are now here in Court,) and James Mauley, came to ~~along~~ ^{along} the Road, near the residence of Thomas Moss, and said Rose appeared to be drunk. They stopped about ten steps on the right of the ^{road} from the House, towards Hillsboro. They remained there but a few minutes, when James Moss came up, near them. The other ^{two} were holding Rose & he was trying to get away, telling them to let ~~him~~ ^{him} go. - He, Rose, raised up his gun, pointing at said Moss, and the two let him go. And he said to Moss, lay down your gun, or I will blow you ^{through}, & cursed him. James Moss, continued to come towards me, calling for his rifle, I gave him the rifle, & then they started and ran. They ran off about 25 or 30 steps, ~~stopped~~ ^{stopped}, & turned round, and ^{said} Rose fired his gun at Moss. - who immediately afterwards, as they started, fired his gun at them. The other two were a little in advance of Rose, in running, he being between me and them, - I heard a shot strike against something, when Rose fired, & thought at first, it was James B. Moss. He was about 75 steps from Moss when he fired the gun. & When I gave Moss the Rifle, he, perhaps gave a step or two towards them, (but I'm not certain) and then stopped before Rose turned & fired at him. When Moss fired at them, I cannot say whether he was pointing towards them or not. Rose was about 100 yards from the

House when he fired - & Moss was a-
bout 80 yards from Rose when he fired
the Rifle at him, and 8 or ten steps
from the yard gate, - Neither of them
were hurt. - Moss was perhaps five
or six steps from the yard gate, when
he got the gun from me, & a few steps
further when he fired at the prisoners. -
Moss gave the shot gun to me, when I
gave him the rifle, & I had it in my
hand when Moss fired, - and might have
fired if I had been near enough to any
effect.

Sworn to & subscribed
before me this 2nd day of 3
February 1853. - Abner Green
Justice

Thomas Moss, of lawful age, being duly
sworn says, on Sunday morning last,
I was from home, and, on returning, &
when perhaps about a mile & a half from
the house, I heard two guns fire, al-
most at the same instant, and two or
three seconds after an other gun fired,
I had been from home about a week,
& was then just returning. When I got
home, I found my family in a great state
of alarm.

Sworn to and subscribed
before me this 2nd day of
February 1853.

Abner Green
Justice

I and Moss, of lawful age, being duly sworn, states, as follows, I was at the house of my son, Thomas Moss, on Sunday morning last, when three men came along the road one of them appeared to be drunk, and stopped near the house, above the wood yard. - And as James T. Moss came up, one of them presented a gun towards him. - He called for his rifle, & they then left and went but a short distance, and they turned, and one of them fired his gun at James T. Moss. - I never saw any of the men before, but one they call Martin, and him, I now see in Court. And I saw him, and one other the Wednesday before, as they came along the road from James Thomas's, near Thomas Moss's house, and after getting a little above the house, they turned & went back; stopping as they went by, and threatening to shoot the dog.

+ I think ^{but I'm not certain} when James T. Moss came up, where they were, that he came in the house to get his rifle, and that his wife tried to prevent his getting it. This was before the firing of the guns. When one of the men spoken of, presented his gun, I was very much alarmed, and at first thought it was at me, and I run in the house. And soon after I came out again. Mrs. Thomas Moss tried to prevent the firing of guns & got in between them. -

I was out of the House when the gun
was fired, but did not see them - They
had gone round the hill out of my sight.
When the gun was fired I could just
see James's hat - he was a little be-
yond the wood pile. - ^{then}
sworn to & subscribed } I near Moss
before me this 3rd day } month
of February 1853. - Abner Green
Justice

Richard Moss, of lawful age, being duly
sworn, deposes & says, I was at my Fa-
ther's house on Sunday last, - James F.
Moss went out a hunting, & while he
was gone, John W. Rose, & Martin B. Maule,
(now in Court) and James Maule, came
along the road, and stopped near the
house - They were coming & going, ^{on} and one
of ^{them} seemed as if he wanted to come to
the house. - And James F. Moss came up,
soon after, John W. Rose presented his
gun towards him, as he got over the
fence, and said God damn you, if
you don't lay down your gun, I'll
blow you through, and James then
told Gus Adams to bring him the rifle.
When he got the rifle, they run a little
& then turned and shot. - and then
James shot. - As James was first
coming up, I saw Martin B. Maule
draw a pistol from his breast and
put it under his coat. I think there
were two shots just before James shot.
sworn to & subscribed before } Richard ^{his} Moss
me this 3rd day of February 1853. } Abner Green } month
Justice

The examination of John W. Rose, charged with an assault with intent to kill, before me, the Justice aforesaid, taken February 2nd 1853, as follows, - I, and Martin B. Manly and James Manly were out, on Sunday last a hunting, - we passed by Thomas Moss's in our way, at which time, James Moss was coming up, and called for his wife as he came near us, - ~~We then~~ ~~stopped~~ I told him to lay down his gun, - Because I feared he would shoot. He then got ^{his} rifle and presented it, & then I fired, he fired almost at the same instant, - I never had any difficulty with Moss before, and had no occasion for that, if he had not attacked me first.

And further he says not.

John Rose

The examination of Martin B. Manly, charged with an assault with intent to kill, before me, said Justice, on the 2nd day of February 1853, states as follows, - On Sunday last, ^{on} our way a hunting, me, that is, James Manly & John W. Rose, ~~myself~~, passed by Thomas Moss's, - After we got a little apart, we stopped and took something to drink, & started on, - and I heard a voice behind & thought it was James Moss's, I ~~looked around~~, - and heard him say, ~~let~~ shoot them ^{this was before I looked round,} I ran down them, - He then called for his rifle, and John W. Rose said to Moss put your gun down, and

will blow you through damn you. Moss
had his gun then pointing at him. Rose.
After this Moss got his rifle from
Augustus Adams, who at some time
took Moss's shot gun. Moss then
cocked his rifle, & levelled it at Rose,
who at some time ~~levelled~~ his gun
at Moss. They both fired almost
at the same instant, ^{Rose} perhaps ^{was} two
seconds first. There were no other
shots fired. He then took leg bail.
And further he saith not.

3 Martin D. Manly

Testimony of the witnesses for the
Defendants in the above cause. -

Louis Fine of lawful age, being
duly sworn says, I was at Mr. O'Hall-
lans sale last fall, perhaps in Decem-
ber, and heard James J. Moss, say
in presence of Jesse Johnson, that if
Martin D. Manly ever crossed his path
he would whip him, if it cost him
300 dollars. - Louis Fine

Sworn to & subscribed
before me this 2^d day
of February 1853. Abner Green
Justice

Jesse Johnson, of lawful age, being
duly sworn states as follows, I was at
a sale at Mr. O'Hallen's some time last
fall, and I had some difficulty with
Mr. Fine, - but I cannot say whether I
heard James Moss make any threats against Mr.
Manly.
Sworn to & subscribed before me this 2^d day
of Feb. 1853. - A. Green. J. G. Solneton

State of Missouri } 58.
County of Jefferson }

I, Abner Green, a Justice of the
peace within and for the County aforesaid,
do hereby Certify, that the said John W.
Rose, and Martin B. Manly, were brought
before me, and charged before me, with an
Assault with intent to Kill, and that the
said John W. Rose, and Martin B. Manly were
distinctly informed by me of the charge
made against them, and that they were at
liberty to refuse to answer any questions
put to them; and that the examination
of the said John W. Rose, and Martin B.
Manly, - and also, the testimony of the said
James L. Moss, Augustus Adams, Linda Moss,
Richard Moss, Thomas Moss, - and Louis Fine,
and Jesse Johnson, witnesses in said cause,
were by me taken and reduced to writing,
the day and year aforesaid.

Given under my hand this 3rd day of
February 1853.

} Abner Green
} Justice of the peace
}

State

vs.

Mose H. Mandy

Documentation of,
Prisoners, and testimony
of Whiteford

State of Missouri
County of Jefferson

Be it remembered
that on the 3^d day of February 1853 at
the County aforesaid James T. Maff Augustus
Adams came before A. Green a Justice of the
peace within and for the County aforesaid and
each acknowledge himself indebted to the State of
Missouri in the sum of Fifty Dollars to be
levied of their goods & Chattels Lands & Tenements
upon Condition that if they shall severally appear
before the circuit Court on the first day of
the next term thereof to be holden on the fourth
Monday of May next for the County of
Jefferson aforesaid. then & then to testify and
give evidence in behalf of the said State
against John W. Rose & Martin B. Mauley
in a certain Charge for an assault with intent
to Kill wherein the said John W. Rose & Martin
B. Mauley ^{stand charged} and shall not depart the said
County without leave; then this recognizance to
be void, otherwise of full force.

Taken & testified the day & year
aforesaid.

3 A. Green }
3 Justice }
3

James T. Maff
Augustus S. Adams

Seal
Seal

State

13,

Boze & M. M. M.

Proportions
of water

Dr. G. M. M.

of the two

between 20

State of Missouri } 86.
County of Jefferson }

Be it remembered, that
on the third day of February, in the year
eighteen hundred and fifty three, Martin
B. Manly of said County, Louis Fine, Bap-
tist Priest, and William C. Fine of said
Jefferson County, personally came before me,
Abner Green, a Justice of the peace within
and for said County, and acknowledge
themselves to owe to the State of Missouri,
each in the sum of two hundred dol-
lars, to be levied of their goods and
Chattel, Land and Tenements, if the said
Martin B. Manly shall ^{fail} in the condition
underwritten.

The Condition of this Recognizance
is such, that if the above bounden Martin
B. Manly, shall personally appear at the
next Circuit Court, on the first day of the
next Term thereof, to be held at Hills-
boro, in the County of Jefferson afore-
said, on the fourth Monday of May
next, then and there to answer to an in-
dictment to be preferred to the Grand Jury
against the said Martin B. Manly, for an
assault with intent to kill, whereof he
stands ^{charged}, and shall not depart the same
without leave of the said Court, then this
Recognizance to be void, else to remain in full
force. Given under our hands and seal the
day and year first above written.

Taken & certified the ^{day} year first } Martin B. Manly (seal)
aforesaid }
Abner Green Justice of the peace } Louis Fine (seal)
Baptist Priest }
Wm. C. Fine (seal)

State

vs.

M. M. Mandy

Recognition

Justice of peace - 25th

State of Missouri
County of Jefferson ss

Be it remembered that on the
3^d day of February in the year of Our Lord one
thousand eight hundred & fifty Three John W.
Rose William C. Fino Louis Fino & Baptiste
Priester personally came before me Abner Green
a Justice of the peace within & for said
County and acknowledge themselves to owe
to the State of Missouri, that is to say John
W. Rose the sum of Two Hundred dollars and
the said William C. Fino Louis Fino & Baptiste
Priester each the sum of Two Hundred Dollars
to be levied of their goods & Chattels, lands and
tenements if the said John W. Rose shall fail
in the Condition under written.

The Condition of this recognizance is such
that if the above John W. Rose shall appear
personally before the next circuit Court on
the first day of the next term thereof
to be holden for the County of Jefferson on
the fourth Monday of May next, then & then
to answer an indictment to be preferred to the
Grand Jury against the said John W. Rose
for an assault with intent to Kill whereof
he stands charged and shall not depart the
same without the leave of the said Court
then this recognizance to be void else to remain
in full force

Taken & Certified the day & year last aforesaid

~~Abner Green~~
Abner Green
Justice of
the peace

John W. Rose Seal
Lewis Fino Seal
Baptiste Priester Seal
Wm. C. Fino Seal

State of Missouri

2d.

John W. Wade

Residence

Lawrence - Mo - 23 - 25

Filed Mar 9th 1833

Thos C. Fletcher
Clerk

The State of Missouri }
 vs. }
 John W. Rose, and }
 Martin B. Manly }

Costs
 Justices fees, To wit, affidavit
 25^c, warrant 25, - 3 Sup^{as} 45,
 admin^{tr}, 7 oaths 35, Depositions
 \$2.50, Certificate 35, three re-
 copying ones 75, certificate
 25, Transcript of costs 35 -
 Total ————— \$ 3.70

Sheriffs fees ————— 7.00
 Grand-Jury. Hunt 3.00
 Austin Wiley ————— 2.00
 C. C. Fletcher ————— 1.00
 Constable-Robt. Hunt 1.00

Witnesses
 Geo. Moss, 2 days 1.00
 James Moss " " 1.00
 Augustus Adams " 1.00
 Thomas Moss " 1.00
 Isaac Moss day .50
 H. M. L. Moss 2 days 1.00
 Louis Lime " " 1.00
 Jesse Johnson " " 1.00
 W. D. Priester " " 1.00
 Total \$ 28.20

Prosecution for an Assault
 with intent to Kill. -
 On Affidavit of James F. Moss,
 a warrant issued against
 Defendants, and James Manly,
 on the 31st January 1853, and, on
 the 2nd day of February 1853, the
 said John W. Rose and Martin B.
 Manly were brought before the
 undersigned Justice, on the re-
 turn of the warrant, James Manly
 not being found. And, the Defend-
 ants being ready for trial, the
 Justice, after hearing the alle-
 gations and proofs of the parties,
 decided that said John W. Rose
 and Martin B. Manly be recog-
 nized to enter each into a recog-
 nizance of \$500, for their ap-
 pearance at the next Circuit
 Court, to answer to the charge
 of an assault with intent to
 kill, - which Recognizance
 being entered into they were
 discharged. - Abner Green
 Justice

State of Missouri } ss
 County of Jefferson }

I, Abner Green, a Justice of
 the peace in & for said County, do hereby certify that
 the above is a true & perfect Transcript of the
 above case, and of the costs of the same, as they ap-
 pear of entry on my Docket, and the papers returned
 herewith, are the originals filed, and processes
 issued in said case.

Given and Certified this 8th day of March
 1853. Abner Green, Justice

1125

State

vs.

Wade & Atkinson

Plaintiff,

Filed Jan 9th 1853
Chas. C. Fletcher

CLM

State of Missouri 2 In the Circuit Court
County of Jefferson May Term A.D. 1853

The Grand jurors of the State of Missouri
empanelled sworn and charged to enquire within
and for the body of Jefferson aforesaid upon
their oath present that John Rose, Martin Man-
ly and James Manly all late of the County of
Jefferson aforesaid heretofore to wit. on the
second day of May in the year of our Lord
one thousand eight hundred and fifty three
with force and arm, at and in the County of
Jefferson aforesaid in and upon one James Mop
then and there being ~~disarmed~~ feloniously and
unlawfully did make an assault, and did with a con-
-tain gun then and there loaded with gun powder
and divers leaden shot which, they the said John Rose
Martin Manly and James Manly and each of them
in both and each of their hands then and there
had and held, at and against the said James Mop
then and there feloniously and unlawfully did
shoot with intent him the said James Mop
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

L. J. Gale Circuit Atty

Witnesses
James M. Up
Augustus Adams
Horatio Arnold
John E. Cowen

State of Wisconsin

v. 1,

John Ford, Martin Mon-
dy and James Hardy

vs.
Restraint for
on appeal with
intent to file

A True Bill

of William Henry

Prothonary of the

Circuit Court

Filed May 15th 1853

Wm. E. Decker

clerk

caption '10 on all

County of Jefferson, sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to take John Rose Martin
Manly & James Manly

if they be found in your country, and them safely keep, so that
you have their bodies before the Honorable Judge of our
Circuit Court, now in session at Hillsboro
within and for the County of Jefferson, forthwith to answer unto
the State of Missouri, of an indictment found against them
by the Grand Inquest for the body of the County of Jefferson,
for an assault with intent to kill

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

Witness, ^{Thos C Fletcher} ~~JOHN S. MATHEWS~~, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in
Hillsboro this 25th day
of May, in the year of our Lord eighteen hun-
dred and fifty three

Thos C Fletcher Clerk.

I Executed This Will on Martin Manly at the
County of Jefferson Mo and his body is now present
this 25th day of May 1853 James McFallloch Sheriff

State
to Carriage
John Road
Martin Manly
James Manly.

Sheriff's fees \$1.00

County of Jefferson St

The State of Missouri

To The Sheriff of the County of Jefferson: Greeting.
Whereas on the 3^d day of February 1853. before Abner Green a Justice of the Peace within and for the County of Jefferson aforesaid a certain John W Rose as principal and Lewis Fine, Baptiste Priester and William C Fine as securities, acknowledged themselves to owe the State of Missouri, that is to say the said John W Rose the sum of two hundred dollars and the said William C Fine, Lewis Fine and Baptiste Priester each the sum of two hundred dollars, yet upon Condition that if the said John W Rose should appear personally before the next Circuit Court of the said County of Jefferson on the first day of the next Term thereof to be holden for the County of Jefferson on the fourth Monday of May next then and there to answer an indictment for an assault with intent to kill and not depart said court without leave thereof then said recognizance to be void, else to remain in full force, Which said recognizance on the 9th day of March 1853, into the said court here was delivered thereof record to be enrolled, and there on the day and year last aforesaid among the records of 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 26th day of May A.D. 1853, the said John W Rose being three times solemnly called to come into court according to his recognizance came not but made default, and the said William C Fine Lewis Fine and Baptiste Priester the Cognizors of the said John W Rose in the recognizance aforesaid being also three times solemnly called to bring into court the body of the said John W Rose according to the said recognizance brought him not

but made default, Wherefore it was then and there considered
by the court that the said recognizance be forfeited, as by the
record ~~and~~ procefs thereof likewise remaining in the said
Court manifestly appears, and the said sum of two hundred
dollars by the said John W Rose and the said sum of
two hundred dollars each by the said Lewis Fine Wm
C Fine and Baptiste Priester acknowledged as aforesaid
from them the said Lewis Fine, William C Fine and Baptiste
Priester still remains to be levied, You are therefore
hereby commanded, that by good and lawful men of
your bailiwick you give notice to the said John W Rose
Lewis Fine, William C Fine and Baptiste Priester, that they
be and appear before the said Court to be begun and held
at the Town of Hillsboro within and for said County of
Jefferson on the fourth Monday of November next to shew
cause if any they have why the said sums of money
in form aforesaid acknowledged ought not to be levied
of their lands and chattels to the use of the said State of
Missouri according to the form of the acknowledgment
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 you then there
this writ, with the names of those by whom you shall
give them notice.



Witness Tho B Fletcher, Clerk of our
said Court with the seal thereof hereto
affixed at Office in Hillsboro the 10th
day of June A D 1853.

Tho B Fletcher
Clerk

No
to Circuit Court.
for Term 1853.

298
345

The State of Indiana

vs

Sci for
murder

John W. Rose

William H. Gine

27

Lewis Gine

Charles Porter

COUNTY OF JEFFERSON.

The State of Missouri,

To

James M. Adams, Clerk of the Court,
John E. Cowan

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 28th day of November
at St. Louis, 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 is Plaintiff and
Martin V. Manly is Defendant on the part
of P. H. and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of Oct
A. D. 1853

Thos C. Fletcher
Clerk.

executed the within summons on Augustus Adams
by reading it in his presence & hearing on the
24. day of October A.D. 1853

Jo. Burrell Clerk

November 1853

State

no } Spec

Martin's & Mearns

Jo. Burrell

James M. of 21.00

Augustus Adams 24

Martha Arnold 24

John E. Burrell 21.

Chiff. fees \$1.60

1st day

COUNTY OF JEFFERSON.

The State of Missouri,

To wee medley. Samuel Marsden, by John Lin and Michael Boly

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Reverent Court for the
County aforesaid, on the 28th December next
at Millboro, 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 is Plaintiff and
Martin Womandy is Defendant on the part
of Alfred and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of October
A. D. 1853.

Thos C Fletcher
Clerk.

of executed the will in said are Jesse
 Meely and J. J. Johnston by reading the same
 in his presence and hearing this
 November the 28th day 1853
 James McCulloch Sheriff
 By signing this Myly left

To Circuit Court
 Nov. Term, 1853
 State }
 vs } Jesse
 Martin v. Manly
 For seft.
 Jesse Mealey
 Saml. Mansdew
 G. J. Johnston
 Michael Boli 28
 Sheriff fees \$1.50
 1st day

Exhibited the within for Michael
 Boli by reading it in his presence &
 hearing the 28th Nov 1853.
 James McCulloch Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To

JAMES SIMPSON, Robert Mund, Lewis Pine and
Daniel Dwyer

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Coroner's Court for the
County aforesaid, on the 28th day of November next
at Stillmore, 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 is Plaintiff and
Martin V. Kennedy is Defendant on the part
of Defendant and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of October
A. D. 1853,

Thos C Fletcher
Clerk.

I executed the within Subpoena on Robert Hunt
 by reading it in his presence & hearing on the 26th
 day of October 1853 also on James Simpson on the 28th
 day of October 1853 by reading it in his presence
 and hearing also on Lewis Fine on 19th
 Nov 1853.

James McColloch Shff

W. Corcoran & Co.

Nov. Term 1853

State

vs } Shue

Martha W. Manly

for debt-

James Simpson vs

Robt. Hunt

Lewis Fine

and Lewis Fine

Shffs fees \$1.60

10th day

COUNTY OF JEFFERSON.

The State of Missouri,
To

John Ireland.

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 28th day of November 1853
at Stillmore, 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 is Plaintiff and
John Ireland and Martin Frank Defendants on the part
of John Ireland and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said
Court, with the Seal thereof hereto affixed,
at office this 8th day of November
A. D. 1853.

Thos. C. Fletcher
Clerk.

To. Circuit Court.

Nov. Term 1853

State }
vs } Spur
J. W. Rose and
Master Manly

Plff
Geo Adams

Not found in My County, said to be
in Liffuson County

Mois Nov 12, 1853

fee \$ + 10

David Bayles
Marshal
of Saint Louis
County

COUNTY OF JEFFERSON.

The State of Missouri,

To

James Leeman

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Lincoln County for the County aforesaid, on the 28th day of Nov. 1853 at Stillmore, 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 is Plaintiff and Charles G. Leeman Defendant on the part of Self and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 28th day of Nov.
A. D. 1853

Wm. McTear
Clerk.

I Executed the within on John Eps Cowan
by him Leibel Cowan reading the same this
November the 18th day 1853

James M Colloch Sheriff
By Augustine Wiley Deft Sheriff

J. Cowan Court
November 1853

State
vs } spec

Martin Manly &
J M Rine.

W

Jno E Cowan

Sherriff's fees 50

1853

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Adams.

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our District Court for the County aforesaid, on the 28th day of December 1853, at Stillmore, 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 is Plaintiff and the Rose and Martin Manly Defendants on the part of Jeff and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 21st day of November
A. D. 1853.

John C. Fletcher
Clerk.

Summed the within By Reading the same
same to the within named John Adams
on this 26 day of Nov 1854

North Hunt comd

to his comd
after Dec 1853

State
or
Rice & nearly

for off

to John Adams

less
\$45-

per day

State
or
Manly -

In the Civ. Court
LAW. Term 1853.

The Defendant comes & moves the Court to
Quash the Indictment in the above
entitled Cause for the following reasons
to wit.

1. Because there is no sufficient
averments or description of the offense
set forth in the Indictment.

2. Because it is averred that the prosecution
was shot & yet it does not appear that he
was in any wise wounded, & no description
of any kind is given of supposed shooting.

3. Because the Indictment is uncertain &
ambiguous.

4. Because the indictment is in other respects
informal defective & void.

5. Because the Indictment does not
follow the language of the Statute.

6. Because it is not averred that
the offense was committed unlawfully &
maliciously.

Beal & Jones

Nov 29th 1853.
Withdrawn

Alat

3

Ward

~~Alat~~ 18

Small Induct

Sheet —

Filed Nov 28 1853

Wm. G. Akeley
Clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To Harmon Peasey & Co. Geo. W. Clevins

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Honorable Court for the County aforesaid, on the Monday 2^d day of December 1853 at St. Louis, there and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

State of Mo

Plaintiff and

John Neal

Defendant on the part

of Defendant, and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed.

at office this 29 day of November 1853
A. D. 1853

Thos Fletcher Clerk.

for Attorney &c

Executed the within writ on Michael Boly
& Harrison Beasley by reading it in their
presence & hearing the 29th Novr 1883

State
vs { You
John Rore

For debt
Michael Boly
Harrison Beasley
James Anderson

Sheriff fees \$1.50

zaddy

COUNTY OF JEFFERSON.

The State of Missouri,

To H. J. Johnston, Lewis & Clark for Jefferson

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 27th day of December 1853 at St. Louis, 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 Mo Plaintiff and
John Beal Defendant on the part
of Beal. and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 29th day of Nov
A. D. 1853

Thos Fletcher
Clerk.

for H. J. Johnston

I executed the within writ on G. Johnson
by reading it in his presence & hearing
the 29th Nov 1853

State } Spa
v } John Roe
Do cleft
G. Johnson
Leurs Jure
James Simpson

Shewell fees & 1, 100
8th day

COUNTY OF JEFFERSON.

The State of Missouri,

To Aaron Rice. M. V. Manly Amos Henry

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Sheriff Court for the
County aforesaid, on the Friday 2^o day of December 1853
at St. Louis, 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 Mo Plaintiff and
John Rice Defendant on the part
of Self and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 29th day of Nov
At. D. 1853

Clerk.

Thos Fletcher
Per Ed Henry St

State }
John Rice

For debt
Aaron Rice
on or nearly
anno domini

Shewill per 4,50

COUNTY OF JEFFERSON, ~~SS.~~

THE STATE OF MISSOURI,

To ^{Robert Clark} ~~the Sheriff~~ of the County of Jefferson, ~~Shriving~~;

WE command you to attach

John Adams

by his body, and him safely

keep, so that you have his body forthwith before our Honorable Circuit Court, now in session, at

Willabore'
said Court as a *niline* ~~niline~~

James, after having been duly summoned to do so: herein fail not, and have you then

there this writ. *by order of the Circuit Court*

John H. Belcher

WITNESS, ~~JOHN S. MATTHEWS~~, Clerk of our said Circuit Court,

with the Seal thereof hereunto affixed, this

29th

day of *November*
hundred and *fifty three*

in the year of our Lord eighteen

John H. Belcher
Clerk.

In obedience to the within Command
I executed this attachment upon
John Adams by arresting his person
which is now before the Court

Dec 2 1853

Robert Hunt

For \$1.00

Wale
John Adams
Attachment

11.50
12.25
23.75

County of Jefferson, sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to take John Rose, Martin Manly & James Manly

if they be found in your county, and them safely keep, so that you have their bodies before the Honorable Judge of our Circuit Court, now in session at Hillsboro within and for the County of Jefferson, forthwith to answer unto the State of Missouri, of an indictment found against them by the Grand Inquest for the body of the County of Jefferson, for an assault with intent to kill

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

Thos C Fletcher
Witness, ~~JOHN S. MATHEWS~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office in

Hillsboro this 29th day
of Nov, in the year of our Lord eighteen hun-
dred and fifty three

Thos C Fletcher Clerk.

State
in copies
John Rose
Martin Manly
James Manly

Heavily used 2/18

State
in
Rose & Manly

State
vs
Rose & Manly }

The defendants John Rose & Manly
move the Court to quash the indictment
for the following reasons viz

1st The indictment does not charge that the
defendants or either of them shot at James
Moss

2^d The indictment does not charge or state
any assault by either shooting at James Moss
or ~~by~~ whether the assault was made by
striking at him

3^d The indictment charges that either each
of the defendants held the gun in his hand
at the time of alleged assault, that the
manner of the assault is inconsistent in itself
& nonsensical

4 The indictment should allege that one of
the defendants held the gun & that the others
were aiding & assisting as principals

Slale

by

Reed & manly

motion to quash

Wick Dec 14 1833

Wm A. Jones

CLN

Greenwell Dec
2nd 1833,

If the jury understand from the whole evidence a well on
= act of the guilt of defendant they must
acquit him

Robt. R. R.

We the Jury find the Defendant not
guilty as charged in the indictment

Leithy Shinderson

Mr. Dear

Sherriff, please hand the enclosed \$100 to your
dear & oblige yours &c
Wm. A. MacArthur

State.

As
Rose & Mary.

} Section for apaid with intent to rise
Jefferson County

To boarding 11 men 2 days each }
" keeping 1 horse 20 " }
\$10.00

To Mrs Susan Mitchell or

State
as
Rose

fee bill