

Jefferson County Circuit Court  
Case Files- Criminal

Box 8 Folder 62

May 1857, No. 2

State

vs.

Cross, Nelson

Murder

Killed William McDonald with a  
knife

The State of Missouri to the Sheriff or  
Jailer of Jefferson County greeting  
whereas I the under signed Justice of the  
peace for said township in Jefferson  
County Mo was called on to view the  
body of William McDonald deceased  
the jury having returned a verdict  
of murder having him committed on the  
body of the said William McDonald  
by Nelson Cross of Jefferson County  
on examination of the case it is  
adjudged by me that the said Nelson  
Cross is guilty in manner and form as  
charged there are therefore to command  
you to take the said Nelson Cross and  
him safely keep so that he be and appear  
before the Circuit Court to be held  
in the town of Hillsborough in Jefferson  
County on the fourth Monday in May  
next then and there to abide the decision  
of the Court given under my hand this the  
27 day of January 1857 G W Hughes  
Justice of the peace

Received the within named Sloop Cargo within  
the body of the Tail of Jefferson County Jan 28<sup>th</sup>  
1854. Finas Williams Sailor

111-

3

28

31

30

The State of Missouri to the constable of valey  
township in jefferson county greeting me the under  
signed being called on to examine the body of

William Mc donald deceased and it appearing from  
the evidence of John Wilson and ~~Thomas~~ <sup>James</sup> ~~Long~~ <sup>Longer</sup>  
that a Nelson Cross of jefferson county did on the  
twenty seventh day of January 1857 did commit  
murder in the first degree on the body of him the said

William Mc donald by stabbing with a knife  
these are therefore to command you to take the  
body of the said Nelson Cross if to be found in your  
county and him bring forth with before me the  
under signed Justice of the peace for valey township  
in jefferson county Mo to answer the above premises  
and be further dealt with according to law  
given under my hand this the 27<sup>th</sup> day of January 1857

G W Hughes  
Justice of the peace

Justice's fees

for issuing process 25  
for swearing two  
justices 10  
judgment and  
all proceedings  
in docket 25  
for certifying  
copy of proceedings 25  
for taking  
fee to marry 50  
for taking bond  
for the appearance of  
witnesses 25

Constable's fees

serving writ 50  
for taking prisoners  
to jail 75  
with 10 cents per  
mile traveled  
for him self and one  
personal guard  
witness fees 50

the State of  
Missouri  
vs  
Evelson Coats

by and as com  
manded

This 27<sup>th</sup> Jan 187

Geo. H. Cook

For want of an officer  
there by authorize  
George Neely to exe-  
cute and return this  
writ  
G. H. Hughes  
Justice of the Peace

State of Missouri County of Jefferson  
this day personally appeared John W. Wilson  
and before me the undersigned Justice of the peace  
for valley township in Jefferson County Mo  
and being sworn in a case the State of Missouri  
against Nelson Cross for the murder of William  
McDonald states on his oath he was present at  
the time of the murder being committed  
that he saw the said Nelson Cross strike the  
said William McDonald two blows with a knife  
which resulted in the death of the said  
William McDonald in twenty minutes  
that he saw no provocation or marks of hostility  
by the said McDonald subscribed before me this  
day of January 1857

J. W. Wilson

Attest J. W. Hughes  
Justice of the peace

James Pronger also being sworn states on his  
oath that he was present at the time of the  
murder of William McDonald that he saw  
Nelson Cross strike the said McDonald two  
blows with a knife which resulted in his death  
in twenty minutes that he saw no provocation  
or marks of hostility by the said McDonald subse-  
ribed before me this day of January 1857

James P. Pronger

Attest J. W. Hughes  
Justice of the peace

Steele of Missouri County of Jefferson  
the the under signed having him called on to  
view the dead body of William McDonald  
at Tyro in Jefferson County Mo on the 1st day  
of January 1857 and having obtained a jury  
and the jury having returned a verdict of  
murder in the first degree having him committed  
on the body of the said McDonald by a Moore  
Cross of Jefferson County Mo on the 1st day of  
January 1857 by stabbing with a knife  
I issued my warrant for the arrest of the  
said Wilson Cross and he being brought before  
the the under signed Justice of the peace for the  
township in Jefferson County Mo on the night of  
the 2nd day of January 1857 on examination of  
the case it is adjudged that the said  
Wilson Cross is guilty in manner and form  
as charged there upon committed the said  
Wilson Cross to the jail of Hillsborough in Jefferson  
County Mo I hereby certify the above to be a true  
copy of the entries in my docket with all the  
proceedings had before me in the case  
given under my hand this 2nd day of January 1857

G. H. Wright  
Justice of the peace

Black

as

John

Worth

Filed July 2<sup>nd</sup> 1854  
H. C. Fletcher  
Clerk

State of Missouri County of Jefferson  
we John Wilson and James Pringer as principals  
and J. Wetzel  
as securities acknowledge our selves indebted to  
to the state of Missouri in the sum of two hundred  
dollars to be void on this condition now if we the  
said John Wilson and James Pringer shall  
personally appear before the circuit court  
to be held in hills borough in Jefferson county  
Mo on the fourth monday in may 1857 to testify  
as witnesses in a suit wherein the state of  
Missouri is plaintiff and Nelson Cross is defendant  
this recognisance shall be void other wise to  
remain in force and effect Given under our  
hands this the 27<sup>th</sup> day of January 1857

J. W. Wilson  
James P. Pringer  
J. Wetzel

I offer over the within bond

this 27<sup>th</sup> day of January 1887

G. W. Hughes

Justice of the Peace

The State of Missouri to the Sheriff or Jailor of of  
Jefferson County Greeting. Whereas, I the undersigned  
D. Justice of the peace for valley township in Jefferson  
County Mo. was called on to view the body of William  
McDonald deceased, the Jury having returned a  
verdict of murder having been committed on the  
body of of the said William Mc Donald by Nelson  
Crop. of Jefferson County on examination of the  
case, it is adjudged by me that the said Nelson  
Crop is Guilty in manner and form as charged  
~~therefore~~ there are therefore to command you to  
take the said Nelson Crop and him safely  
keep, so that he be and appear before the Circuit  
to be held in the town of Hillsboro in Jefferson  
County on the fourth Monday in May next  
then and there to abide the decision of the  
Court; - Given under my hand this the  
27 day of January 1857  
G W Hughes Justice of the Peace

State of Missouri }  
County of Jefferson } I the undersigned Clerk  
of the Circuit Court do hereby certify  
that the foregoing is a true copy of the  
warrant of commitment in the above  
case. as full as the original on file in  
my office and that the foregoing is  
also a copy of all the papers which  
were sent up

In Witness whereof I hereto  
set my hand and affix the  
Seal of said Court at office  
Jan'y 30th 1857

Thos. C. Fletcher Clerk  
By E. J. Harey seyr

State of Missouri  
County of Jefferson  
To the Honorable, the County Court  
of Jefferson County aforesaid.

Your petitioner, Nelson Croft, respectfully states, that on the 37<sup>th</sup> day of January 1857, he was unlawfully arrested by W. P. Burleigh & others, without warrant or other legal process, and forcibly taken before S. M. Houghs, a Justice of the peace, and there charged with the murder of William Mc Donald, - that said Justice refused to allow your Petitioner time to send for witnesses in his defence, or to procure and advise with counsel, but hurriedly took the testimony of some two witnesses against him, which was not reduced to writing and signed by them in presence of Petitioner, - that said Justice refused to take the examination of petitioner, with, or without oath, in relation to the offence charged, or to inform him distinctly of the nature of the offence charged against him, or that he was at liberty to answer, or refuse to answer any question put to him. But, without allowing your petitioner any chance to defend himself against said charge, the Justice proceeded to condemn, and to award his warrant of commitment, (not fixing any amount of bail,) against your petitioner; who was thereupon sent to the Jail of Jefferson County aforesaid, where he is <sup>now</sup> imprisoned and restrained of his liberty by James William

Jailer of said County, who holds your  
petitioner in said prison by virtue of  
said Warrant, thus illegally issued, a  
copy of which accompanies this Petition.

Now Petitioner alleges that said imprison-  
ment is illegal, for the following reasons,

1<sup>st</sup> The jurisdiction of the Justice has been  
exceeded, as to matter, form, and person,

2 - The Defendant, not having been arrested  
under a warrant, the Justice had <sup>no</sup> juris-  
diction of his person, - nor was he legally  
charged with any offence,

3 - The process is defective in a matter of  
substance, rendering such process void,

4 - Even if the process were in proper  
form, it has been issued in a case,  
and under circumstances not allowed  
by law,

5 - The papers certified show that peti-  
tioner has never been legally tried,

6 - The law was not complied with  
in such examination, the prisoner  
not having compulsory process to get  
his witnesses, nor means allowed to  
make his defence,

7 - The process of Commitment was not  
authorized by any provision of law;  
as there was no legal arrest, no legal  
examination, no person legally autho-  
rized to execute any process, and no  
amount of bail endorsed on the Com-  
mitment,

8 - The papers do not show that the Jus-  
tice took, or offered to take, the exami-  
nation of the prisoner, or that he com-

plied with the law in such cases, <sup>made & provided</sup> in any respect whatever.

Your petitioner therefore prays the Court to grant him the benefit of the writ of Habeas Corpus, - that the cause of such imprisonment may be fully enquired into, by your honorable Court, that upon your petitioner being brought before the Court, and a full examination <sup>had</sup> there, that he be forthwith discharged from such imprisonment, and released according to law, upon such terms as the Court shall deem just.

Your petitioner further states that no application for the relief sought in this petition, has been made to, & refused by, any Court, Officer, or officers superior to the one to whom this petition is presented.

} Nelson <sup>his</sup> X Gross  
mark

State of Missouri }  
County of Jefferson } ss.

Nelson Gross, the above petitioner, makes oath and says the above petition, and the matters therein, as stated, he believes to be true.

sworn to & subscribed Nelson <sup>his</sup> X Gross,  
before me this 19<sup>th</sup> day of March 1837. mark

Abner Green  
Justice of the peace

To the County Court  
of Jefferson County  
Tennessee of  
Peterson Croft,  
for writ of Habeas Corpus

State of Missouri }  
County of Jefferson } By the Habeas Corpus act.

The State of Missouri to the Jailor of the County  
of Jefferson. Greeting:

You are hereby comman-  
ded, that the body of Nelson Croft, in the Jail  
of said County, under your custody, detained  
as it is said under safe and secure conduct  
together with the day and cause of his being  
imprisoned and detained by whatever  
name the said Nelson Croft may be known  
you have before the Justices of the County Court  
of Jefferson County on the      day of March  
A D 1857, to do and receive what shall  
then and there be considered concerning  
the said Nelson Croft so imprisoned and  
detained as aforesaid and hereof fail  
at your peril.

Witness our Signatures this  
day of      A D 1857

State  
as } By the Hebrews  
= you act =  
Hebrew words

State of Missouri } In the Circuit Court  
County of Jefferson } of Jefferson County, Mo.  
Term etc. 1857

The Grand jurors of the State of Missouri now here in Court duly empanelled, sworn and charged to inquire within and for the body of the County of Jefferson, upon their oath present that Nelson Croft late of the County of Jefferson aforesaid, with force and arm at and in the County of Jefferson aforesaid, on the twenty seventh day of January one thousand eight hundred and fifty seven in and upon one William M'Donald in the peace then and there being feloniously, wilfully, deliberately and premeditatedly and of his malice aforesaid did unlawfully make an assault: And that the said Nelson Croft a certain knife, which knife he the said Nelson Croft in both his hands then and there had and held, to against at and upon him the said William M'Donald then and there feloniously, wilfully, deliberately and premeditatedly and of his malice aforesaid did <sup>strike</sup> cut, stab and wound him the said William M'Donald, and upon the ~~back~~<sup>breast</sup> of him the said William M'Donald then and there feloniously, wilfully, deliberately and premeditatedly and of his malice aforesaid did strike, cut stab and wound, giving to him the said William M'Donald, then and there with the knife aforesaid, so as aforesaid by him the said Nelson Croft, did and held as aforesaid at and upon the ~~back~~<sup>breast</sup> of him the said William M'Donald one mortal wound of the length of three inches

and of the breadth of four inches and of the  
depth of six inches, of which said mortal  
wound the said William M' Donald then  
and then instantly died; And so the jurors  
aforesaid upon their oath aforesaid do say, that  
that the said Nelson Croff him the said William  
M' Donald in manner and form aforesaid  
feloniously, wilfully, deliberately and pre-  
meditatedly and of his malice aforethought  
did kill and Murder.

Contrary to the form of the Statute in  
such case made and provided and against  
the peace and dignity of the State of  
Missouri.

Daniel L Gale Clerk atty

No. 2

State of Missouri

Newton Crop

1596

Indictment for  
Murder

A True Bill

James S. Brown

foreman of grand

jurors of the Court

say

Certificates

John W. Wilson

James S. Brown

Filed May 26<sup>th</sup> 1857

Edw. J. H. H. H.  
changed

State of Missouri }  
County of Jefferson }  
} ct.

In the Circuit Court  
June 3<sup>d</sup> A D 1854

The State  
against  
Nelson Cross } Indictment for Murder

It is ordered by the Court, that  
the Sheriff of Jefferson County, remove the said  
Nelson Cross from the Jail of said County to  
that of the County of Saint Louis, to be there  
imprisoned for safe keeping, and there  
abide the further orders of the Court,

A. true copy from the Records of  
said Court

In Testimony whereof I hereto  
set my hand and affix the  
Seal of said Court. Done at  
Hillsboro. June 3<sup>d</sup> 1854  
Elias J. Honey Clerk,

I Executed the above order on the fourth day  
of June 1854 by Delivering for safe keeping the  
body of Nelson Cross to the Jailor of St Louis County  
Augustine Wiley Sheriff

State

Nelson Corp

Order of removal to the  
County of Alameda for  
safe keeping

To the Sheriff of Jefferson County Mo.

You are hereby commanded  
and required to produce in Court on the fourth Monday  
of ~~November~~ next the bodies of Nelson Cross and William  
McMullen, now in confinement in the Common Jail of Missouri  
County, to answer to two several indictments now pending  
in the Jefferson County against them respectively for murder.  
And to this end you are hereby authorized to demand of  
and receive from the Jailor of said Missouri County the bodies  
of two prisoners above named, and then safely keep and  
convey ~~them~~ to the Common Jail of Jefferson County, so that  
you have them before the said Circuit Court, at the place  
and time aforesaid

Done at Potosi this 29<sup>th</sup> day of October AD 1857

Oliver Stone Judge of the  
Ninth Judicial Circuit. Mo.

I Executed the within order on the 21st day of November 1857  
by conveying the Bodies of Nelson Cross and William McMullen  
from the Jail of St Louis County to the Jail of Jefferson  
County and Delivering to the Jailor of said Jefferson County  
This a November the 21st 1857 Augustine Wiley Sheriff  
Jefferson County Mo

State of Missouri  
Against

Nelson Cross & others

Against Corporal ad Regon =

Indemnity

State of Missouri Indictment for Murder in  
is the first (1<sup>st</sup>) degree  
Nelson Cross } In the Jefferson County  
Circuit Court - Nov. Term 1857

To the Honorable <sup>Circuit</sup> Court of Jefferson  
County - your Petitioner states that he has  
good reason to believe <sup>does believe</sup> that the minds of the inhabitants  
of Jefferson County are so prejudiced  
against him, that a fair trial cannot be  
had herein, that justice cannot be done him  
by reason of said prejudice, that the knowledge  
of said prejudice has been ascertained since the  
last term of this Court when the indictment  
was found against him this defendant. That  
this application is not made for the  
sake of vexation or delay but that justice  
may be done him - Wherefore your  
Petitioner prays for a change of Venue from  
said County of Jefferson to some other County  
where such prejudice does not exist  
& where your Petitioner can have a fair  
trial  
Nelson <sup>his</sup> + Cross  
mark

Jefferson County fs - Nelson Cross the above  
Petitioner being duly sworn says that the facts  
stated in the foregoing Petition by him sub-  
scribed are true as he believes  
sworn to and Subscribed. Nelson <sup>his</sup> + Cross  
before me Nov. 24th 1857 }  
Elias J. Honey  
mark

State  
" Melon Croft

Decd. Nov 24<sup>th</sup> 1852  
Geo. J. Mearns & Co

State } committed by Sheriff of Jefferson  
 Co } County Mo for safe keeping  
 Nelson. Corp } on charge of murder Jan<sup>y</sup> 4<sup>th</sup> 1837  
 delivered to Sheriff of Jefferson Co  
 Nov 21<sup>st</sup> 1837 being 171 days  
 at 30 cts per day \$ 51.30  
 Bounty for  
 Doctor Bill \$ 75.<sup>-</sup>

11.37  
 \$ 63.65

R. H. Logan Partner of St. Louis County Mo

State  
<sup>vs</sup>  
Crop

R. J. Logan  
Jc,