

DeForsen County Circuit Court
Case Files - Criminal

May 1857, No 8

Box

8 Folder 64

State

vs

McMullen, William

Baker, Calvin

McMullen, Charlotte

Murder

Defendant William McMullen shot
Hiram H. McCain with a pistol under
direction of other defendants

State of Missouri } In the Circuit Court
County of Jefferson } of Jefferson County, May
Term A. D. 1857

The Grand jurors of the State of Missouri, now
here in Court duly empanelled, sworn and charg-
ed to inquire within and for the body of the County
of Jefferson, upon their oath present that
William M. Mullen late of the County of
Jefferson, on the Eleventh day of May one
thousand eight hundred and fifty seven, with force
and arms at and in the County of Jefferson
aforesaid, in and upon the body of one Hiram
H. M. Cain, in the peace of the State then and
there being, feloniously, wilfully, deliberately,
premeditatedly and of his malice aforethought,
did make an assault; and that the said
William M. Mullen, a certain pistol, then and
there charged with gunpowder and ~~six~~ three
leadon bullets, which said pistol, he the said
William M. Mullen in his right hand then
and there had and held, then and there
feloniously, wilfully, deliberately, and pre-
meditatedly and of his malice aforethought,
did discharge and shoot off, to, against
and upon the said Hiram H. M. Cain; and
that the said William M. Mullen with
the leadon bullets aforesaid, out of the pis-
tol aforesaid, then and there, by force of the
gunpowder aforesaid, by the said William
M. Mullen discharged and shot off or afores-
aid, by the said William M. Mullen, in
and upon the back of him the said Hiram H.
M. Cain, in and upon the head of him the
said Hiram H. M. Cain, three mortal wounds

each of the depth of four inches and the
breadth of half an inch, that is to say one mortal
wound in and upon the back of him the said Hiram
Hill Cain, one mortal wound in and upon the back
of the head of him the said Hiram Hill Cain, and
one mortal wound in and upon the side of the
head of him the said Hiram Hill Cain, of which
said several mortal wounds, be the said Hiram
Hill Cain then and there instantly died.
And so the jurors aforesaid, upon their oaths
aforesaid, do say, that the said William M.
Mullen him the said Hiram Hill Cain in the
manner and by the means aforesaid, felonious-
ly, wilfully, deliberately and premeditatedly and
of his malice aforethought, did kill and murder

And the jurors aforesaid, upon their oaths
aforesaid, do further present, that Calvin Baker
and Charlotte M. Mullen late of the County of Jefferson aforesaid
^{before the felony and murder was committed in manner and form as}
^{aforesaid, to wit} on the eleventh day of May one thousand eight
hundred and fifty seven, at the County aforesaid,
were accessory thereto before the fact, and
did feloniously, wilfully, deliberately and pre-
meditatedly and of their malice aforethought, counsel,
hire, procure, incite, move aid and command
the said William M. Mullen to do and com-
mit the felony and murder aforesaid in man-
ner and form aforesaid.

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

D. J. Gale Circuit Atty

No 8 State

1329
State of Mississippi

W. H. Jones of the County of
Winn & Lewis Bakers
Charlotte W. H. Jones

Testimony for
Shannon

A True and
James S. Brown

for and
Thomson of the County
of

Testimony

Shelley 28th 1857
Edwin J. McCreary
Clerk

COUNTY OF JEFFERSON, SCT.,

The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take William M. Muller
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, forthwith
at Hillsboro' within and for the County of Jefferson, then and there
to answer unto an Indictment found against him by the Grand Inquest
for the body of the County of Jefferson, for Murder
contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Chas J Honey
Witness, ~~THO. C. FLETCHER~~, Clerk of
our said Circuit Court with
the seal thereof hereto affixed:
at office, this 28th day of
May A. D. Eighteen
Hundred and fifty Seven

Chas J Honey
Clerk Circuit Court.

Defendant Wm Mc Mullen is not found
June 3rd 1897

Augustine Wiley Sheriff

No 8

S T A T E

AGAINST

Wm Mc Mullen

CAPIAS.

*Shirley's deed
Open but 5000*

COUNTY OF JEFFERSON, SCT.,

The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take Calvin Baker
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, for the
at Hillsboro within and for the County of Jefferson, then and there
to answer unto an Indictment found against him by the Grand Inquest
for the body of the County of Jefferson, for being accessory
to Murder contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Elias J Honey
WITNESS, ~~THO. C. FLETCHER~~, Clerk of
our said Circuit Court with
the seal thereof hereto affixed,
at office, this 28 day of
May A. D. Eighteen
Hundred and fifty Seven

Elias J Honey
Clerk Circuit Court.

I Executed the within writ at the county of
Jefferson on Calvin Baker by having him before
the court on the 29th Day of Decr 1859

Augustine Wiley Sheriff

No 8

STATE

= AGAINST =

Calvin Baker

CAPIAS.

Sherriff's fees \$100

COUNTY OF JEFFERSON, SCT.,
The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take Charlotte Mc Muller
if she be found in
your County, and him safely keep, so that you have his body before the
Honorable Judge of our Circuit Court, forthwith
at Hillsboro within and for the County of Jefferson, then and there
to answer unto an Indictment found against him by the Grand Inquest
for the body of the County of Jefferson, for, Murder
contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Elias J. Honey
WITNESS, ~~THO. C. FLETCHER~~, Clerk of
our said Circuit Court with
the seal thereof hereto affixed:
at office, this 28th day of
May A. D. Eighteen
Hundred and fifty Seven

Elias J. Honey
Clerk Circuit Court.

Presented the within writ on Charlotte
McMullen by hering before the Court on the 29th
Day of May 1837

Augustine Wiley Sheriff

No 8

STATE

AGAINST

Charlotte McMullen

CAPIAS.

Sherriff's fees \$100

COUNTY OF JEFFERSON, SCT.,
The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take William McCallum
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, Thursday of November next
at Hillsboro' within and for the County of Jefferson, then and there
to answer unto an Indictment found against him by the Grand Inquest
for the body of the County of Jefferson, for: Murder
contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Elias J. Honey
Witness, ~~THO. C. FLETCHER~~, Clerk of
our said Circuit Court with
the seal thereof hereto affixed,
at office, this Sixth day of
June A. D. Eighteen
Hundred and fifty Six

Elias J. Honey
Clerk Circuit Court.

Received the within writ by order of
the 15th day of August 1857 by appearance
William McCallum the within named defendant
and committing him to the Jail of St. Louis
County the Jail of Jefferson County being inapt
ward to detain said prisoner
Augustine Wiley Sheriff
Jefferson County Mo.

I authorize James McCulloch to serve this writ
June 15th 1837
Augustine Wiley Sheriff

35 10

11

240 5
24
321

25
91.01

No 8

STATE

AGAINST

William W. McCulloch

CAPIAS.

Sheriff's fee \$2.00

COUNTY OF JEFFERSON.

The State of Missouri,

To Henry Wilson Harvey in the Margaret in the Martha Couch
Greeting:

You are hereby commanded, that settling aside all manner of
excuse and delay, you appear before our said Court for the
County aforesaid, on the 23^d day of November next
at Wellsville, there 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 is Plaintiff and
William McMillan is Defendant on the part
of defendant and herein you are well to find.

Witness, ~~JOHN S. JEFFERSON~~ Clerk of our said Court,
this 9th day of October A.D. 1854

Geo. J. Harvey — Clerk.

I Executed the within writ at the county of Jefferson
on Henry McKee on the 30th day of October and on Margaret
McKee on the 5 and Martha Couch on the 12th day of Nov
1837 by reading in their presence and hearing and on
Henry Wilson on the 13th day of Nov 1837 by leaving
a true copy at his usual place of abode with a free
white person of the family over the age of fifteen years
Augustine Wiley Sheriff

De Cordus Couch
November 1837

State
as is then

William M. Mullen

for debt

Henry Wilson

Henry M. McKee

Margaret McKee

Martha Couch

Sherriff's fee \$2.00

COUNTY OF JEFFERSON.

The State of Missouri,
To James McQueen, Michael Miller, John Green

Greeting:

You are hereby commanded, that seeking aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 23^d day of November next
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 of Missouri is Plaintiff and
William McQueen is Defendant on the part
of Defendant and herein your wife is no wise to fail.

Witness, ~~THOMAS C. FLETCHER~~
Clerk of the Court

Deputy of our said Court

with the day thereof hereto referred, at office this

9th day of October A. D. 1855

Oliver J. Honey Clerk.

I Executed the within writ on John Pence on
the 28th day of October 1857 and on Michael McKee
on the 5th day of November 1857 by reading in
their presence and hearing

Augustine Wiley Sheriff

20. Circuit Court
November 1857

State

vs. John

Wm McMillen

for debt

James McKeen 14

Michael McKee

John Pence

sheriff fee \$10.50 ^{cents}

To

\$150

I executed the within writ at the county of Jefferson
state of Missouri on James McKee by reading the
same within his presence and hearing on the 14th
day of November 1857 (read) David Dept Clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To the As. Mag. & J. P. Baker & Michael McEl
Henry in & for the hereby commanded, that acting aside all manner of

Greeting:

excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 23^d day of November
at St. Louis; then and there to testify, and the doers to say in a
return matter of controversy, now pending in our said Court, wherein

The State of Missouri is Plaintiff and
William McMichael & others are Defendants on the part
of defendant and herein you are in no wise to fail.

Witness, ~~THOMAS C. JEFFERSON~~ Clerk of our said Court

with the said Henry & others appeared, at office this

20th day of October A. D. 1852

Eliza Henry

Clerk.

I Executed the within writ on Haroy McKee
 on the 30th day of October and on Thomas Def
 Michael McKee Sarah McKee on the 5th day
 of November 1857 by reading in their presence and
 hearing S^{ts} Baker, ^{and Mary Ann Baker} is not found in my County
 } Augustine Wiley Sheriff

20. Lincum Court

Term 1857

State

Wm M. McMillen et al

for debt

Thomas Def

May Ann Baker

& Wm Baker

Michael McKee

Haroy McKee

Sarah McKee

Sheriff's fees \$2.00

Chas. Bates \$2.50

COUNTY OF JEFFERSON.

The State of Missouri,

To Mary Ann Parker, Woman of J. Martha M. Keel

Greeting:

You are hereby commanded, that selling, giving, or in any manner of
excuse and delay, you appear before our District Court for the
County aforesaid, on the 24th 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 of Missouri is Plaintiff and Sheriff and

Charles W. McNellies is Defendant on the part
of Defendant and herein say as in and to said

Witness, THOMAS C. FLETCHER, Clerk of our said Court

with the said Sheriff hereto attached, at office this

20th day of October A. D. 1854

Oliver J. Horney

Clerk.

I Executed the within writ on Thomas Oak and
Martha Baker on the 5th day of November 1857
by reading in their presence and hearing
Mary Ann Baker is not found in my county
Augustine Wiley Sheriff

To Concord Court

November Term 1857

State

vs

Charles M. Parvillan

In debt

Mary Ann Baker

Thomas Oak.

Martha Baker

Sheriff's fee \$100.
John East 25

\$125

COUNTY OF JEFFERSON.

The State of Missouri,

TO

Joseph H. Wellen Lane Couch, Land Agent, Valley Springs

Greeting:

You are hereby commanded, that settling aside all manner of
excuse and delay, you appear before our Council- Court for the
purpose aforesaid, on the 23d day of November next
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 of Missouri is Plaintiff and

William McMillen is Defendant in the said

of the said and herein you are in no wise to fail.

Witness, ~~THOMAS C. FLETCHER~~

Clerk of our said Court

with the said thereof hereto affixed, at office this

28th day of October A. D. 1854

Geo J. Honey — Clerk.

20 Barren Court

Nov. 23rd 1857

State

at 1st Ave

Wm. H. Houlton

for depts.

for J. McMillen

Jane Louch

Jane Louch

Wesley H. 9th 9th 1857

Shaw's for

50

I executed the within writ at the county of Jefferson
state of Missouri on Westly Skaggs by reading the same
within his presence and hearing on the 23rd day of November
1857

C. J. Foster

Shown to before me Nov 23rd 1857

E. J. Hone

COUNTY OF JEFFERSON.

The State of Missouri,
To Mr. Lincoln, Mr. Lincoln

Greeting:

You are hereby commanded, that adding note all manner of
excuse and delay, you appear before our Council Court for the
County aforesaid, on the 23^d day of November next
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 of Missouri Plaintiff and
you Mr. Mullen et al are Defendants on the part
of Plaintiff

and herein you are so put.
Witness, THOMAS C. FLETCHER, Clerk of our said Court

with the said Sheriff hereto affixed, at office this
14th day of November A. D. 1854
Chas. J. Henry
Clerk.

20. Circuit Court
Nov. term 1857

Estate
of J. A. A. A.

vs. M. A. A. A.

for debt
Mrs. Sincock
and Sincock

M. A. A. A.
free 100

Served the within Subpoena on the 19th day
of Nov 1857 by reading the same in the
presence and hearing of Mr and Mrs
Sincock in Washington County Mo

M. A. A. A. Sheff

COUNTY OF JEFFERSON.

The State of Missouri,

To George Hoggins & John Phelps & John L. Brown & John
Greene & John L. Brown & John L. Brown & John L. Brown

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Court at the
County of Jefferson, on the 23rd day of November next
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, between
The State of Missouri is Plaintiff and
John L. Brown & John L. Brown & John L. Brown & John L. Brown
of Plaintiff and herein you are to give the said
testimony, THOMAS C. JEFFERSON, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

14th day of November A. D. 1857

Geo. J. Brown

Clerk.

I Executed the within writ on Chapel Foster and
 the 12 and on Harmon Stroup on the 13th days of
 November 1857 by reading in their presence and
 hearing
 George Higginbotham
 was not found in
 time

Augustine Wiley Sheriff

To Circuit Court
 Nov. Term 1857

State }
 vs }
 M^cMullen & Baker

for Duff
 Geo. Higginbotham 14
 Chapel Foster 12
 Harmon Stroup 13

Sherriffs fees \$1.00

COUNTY OF JEFFERSON.

The State of Missouri,

To Nancy Jeffers, Ruth Pounds, Newman Pounds, Lewis Pootney
Greeting:

You are hereby commanded, that acting with all manner of
caveat and delay, you appear before our Deceased Court for the
County aforesaid, on the 23^d day of November next
at Wentworth, there 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 Plaintiff and

Wm McMillen Heaben Poles are Defendants on the part

of Plaintiff and herein you are in no wise to fail.

Witness, Charles J. Henry
~~THOMAS G. HENRY~~, Clerk of our said Court

with the day thereof hereto affixed, at office this

10th day of November A.D. 1852

Charles J. Henry
Clerk.

I Executed the within writ at the County of Jefferson
on Nancy Pepper on the 23^d day of November
1857 by reading in her presence and hearing
Augustine Wiley Sheriff

Jo. Lewis & Co. Clerk
Nov. 23rd 1857

State

at 1 o'clock

Wm. M. Sullivan & Co. Deeds

In P.M.

Nancy Pepper 23rd

Reuben Pounds 1st

Norman Pounds

Louis Portney 14

Sherriff fees \$2.00

I executed the within writ at the county of
Jefferson on Lewis Portney & Norman Pounds by reading
the same within their presence and hearing on the 13th
~~and~~ day of November 1857 and on Reuben Pounds
by leaving a copy of the above writ with his
family on the 13th of November 1857 Read David
Sept Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To David Howell, Michael Brindley, Charlotte M. Mellen
Greeting:

Whereas hereby commanded, that acting aside all manner of
traces and delay, you appear before our Circuit Court for the
County of Jefferson on the 23^d day of November 1852
at St. Louis, then and there to testify, and the truth to say in a
cause entitled to recovery, now pending in our said Court, wherein

The State of Missouri is Plaintiff and

Samuel Mellen together James Dependence on the said

of and between you etc etc as case do put.

Witness,  Elias J. Howell, Clerk of our said Court.

with the said thereof hereto appeared, at office this

At the day of November 21. 1852

Elias J. Howell Clerk.

I Executed the within writ on David Murrell and
Charlotte Murrell on the 12th day of November
1857 by reading in their presence and hearing
Augustine Wiley Sheriff

20. Circuit Court
Term 1857

State

vs & Sec

Mrs Murrell & Parker

for Debt

David Murrell 12

Michael Murrell 12

Charlotte M. Murrell 12

Sherriff's fee \$1.50

I Executed the within writ
at the County of Jefferson
on the 12th day of November
1857 by reading in their
presence and hearing
Augustine Wiley Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Jay Hainston, David M. Mullen, Melinda Hainston
To Jay Hainston, David M. Mullen, Melinda Hainston
You are hereby commanded, that setting aside all manner of

Greeting:

excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 23rd day of October 1857
at Wellbora, there 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 is Plaintiff and
Jas M. Mullen Melinda Baker Defendants on the part
of Plaintiff and herein you are in no wise to fail.

Witness, ~~THOMAS C. FLETCHER~~ Clerk of our said Court
October 13th 1857

with the Seal thereof hereto affixed, at office this
10th day of November A. D. 1857
Oliver J. Hovey Clerk.

Deborah Couch
Sworn 1857

State

vs M^{rs} M^cMullen
by Hamilton

and M^{rs} Mullen

Malinda Hamilton

vs Peter 12

Shelf fee \$1.50

Executed the within writ at the county of Jefferson
on Malinda Hamilton by reading the same within
her presence and hearing on the 23rd day of November
1857

C. L. Foster

Sworn to before me

E. H. Honey

COUNTY OF JEFFERSON.

The State of Missouri,

To *Wm McElroy, Harvey McNeel, Sarah McNeel, Mary Thistle* in
Greeting:

You are hereby commanded, that taking note all manner of
excuse and delay, you appear before our Council Court for the
County aforesaid, on the 23rd day of November 1857
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 of Missouri is Plaintiff and

Wm McElroy, Harvey McNeel, Sarah McNeel, Mary Thistle are the

of Plaintiff and herein you are in no wise to fail.

Given & sworn
Witness, ~~THOMAS C. JEFFERSON~~, Clerk of our said Court

with the Sept thereof hereto signed, at office this

10th day of November A.D. 1857

Oliver H. Hovey
Clerk.

I Executed the within writ on Harry McKee
and Sarah McKee on the 12th day of November
1857 by reading in their presence and hearing
Henry Woodson is not found in my County
Augustine Wiley Sheriff

So. Circuit Court
November 1857

State

vs } Geo

Wm. Mullen & Co. Baker

For Debt

Wm. McKee 13

Harry McKee 12

Sarah McKee

Henry Woodson

Sheriff fees 50

Dr \$100.00

Nov Cost 2.50

\$102.50

I executed the within writ at the County
of Jefferson on William McKee by reading the
same within his presence and hearing on the
13th day of November 1857. Oscar Dover Deput Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Martha M. Lee, Eli Wiley Hells Martin, &

Greeting:

You are hereby commanded, that setting aside all manner of

accuse and delay, you appear before our Circuit Court for the

County aforesaid, on the 23rd day of November 1857

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, between

The State of Missouri

Plaintiff and

Calvin Jackson

Defendant on the part

of defendant and herein you are in no wise to fail

Witness, ~~THOMAS C. JEFFERSON~~ ^{CLERK} & the court

Shall of our said Court

with the Dept thereof hereby affixed, at office this

13th day of November A. D. 1857

Elias J. Hovey

Clerk.

De Circuit Court
Nov. Term 1857

State
vs. J. J. Baker

for death
Martha McFee
Eli Wiley 13
Wells Martin 16
John McCrell 23

Sheriff fee \$1.50

I executed the within writ on John Murdick on
27 of November 1857 also on Eli Wiley 13 of same month also on
Wells Martin on the 16 of November 1857 at the county of
Jefferson State of Missouri by reading the same within their
presence and hearing Oscar Davis Deft Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Thomas L. Newberry

Greeting:

You are hereby commanded, that taking notice all manner of
excuse and delay, you appear before our Sheriff and for the
County aforesaid, on the 23^d day of November 1857
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 of Missouri Plaintiff and
Charles Baker is Defendant in the said
of defense and herein you are so warned.

Witness, THOMAS L. NEWBERRY, Clerk of our said Court

with the seal thereof hereto affixed, at office this

13th day of November A. D. 1857

Thomas L. Newberry

Clerk.

Wences Leach
November 1857

State

Wm & Anna
Salina Baker

For self
No. 6 Colburns

Wm Colburns
is not found in my count
of Wiley Sheriffs

Wm 1807 2500

COUNTY OF JEFFERSON.

The State of Missouri,

To the Just. Sup^r Court, Warren Baker, Mangum Baker
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 23^d day of November next
at Wellbata, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, to-wit:

State of Missouri v. Marshall and
Milton Baker et al Defendants on the part
of the

Plaintiffs,

~~JOHN S. C. MILLER~~

Plaintiff of our said Court

and herein we do in and to part
with the said Sheriff's records appear, at office there

day of A. D. 185

Wm. J. Henry

Clerk.

I Executed the within writ on Thomas Waf on
the 5th day of November 1857 by reading in
his presence and hearing Stephen Lerue
Marion Baker & Mary Ann Baker is not found
in my County

McKinley Court

Nov. Term 1857

State

vs

Melton Baker et al

for debt.

Thomas Waf

Stephen Lerue

Marion Baker

Mary Ann Baker

Sherrill fees 1400 50

Ward & Son 340 75

\$12 50

State of Missouri } In the Circuit Court
County of Jefferson } Wednesday Nov. 25th 1857

State
vs
William M. Muller } Indictment for Murder

It is ordered by the Court, that the defendant William M. Muller, be remanded into the custody of Milton Sebastian, Deputy Sheriff of the County of Saint Francois, to be by him removed from the Jail of the County of Jefferson, to that of the County of Saint Francois aforesaid to be there imprisoned for safe keeping and abide the further orders of the Court.

A true copy from the record of said Court.

In Testimony whereof I hereto
Set my hand and affix the
Seal of said Court at Office, in
Hillsboro, November 28th 1857
Elias J. Honey Clerk

Nov 29th 1857 Rec^d of Milton Sebastian Deputy
Sheriff of St Francois County Missouri, the body
of the within named William McMullen

Chas. Martin Taylor by
his Deputy Charles Myers

State
} order of removal
vs
Wm McMullen

COUNTY OF JEFFERSON.

The State of Missouri,

To *John Henry Coff. March 26th 1858*

Greeting:

and John Henry Coff
you are hereby commanded, that telling aside all manner of
excuse and delay, you appear before our Circuit Court for the
County of Jefferson, on the 26th day of April next
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, between

State of Missouri

Plaintiff and

John Henry Coff

Defendant on the part

of Defendant and herein you are made to pay.

Witness, *John Henry Coff*

clerk of our said Court

with the seal thereof hereto affixed at office this

27th day of March A. D. 1858

John Henry Coff

Clerk.

I Executed the within writ on Thomas Coff on the
 3^d day of April 1858 by receding in his presence and
 hearing and also on Martha Coff on the 24th day
 of April 1858 by leaving a true copy at her usual place
 of abode with a free white person of the family over the age
 of fifteen years Stephen Serue is not found in my country.
 Augustine Wiley Sheriff

20 Circuit Court
 April Term 1858

State

vs

John Packard

Indt.

Stephen Serue

vs
 Tho Coff

Martha Coff

George Perkins

John Wilkerson

Shaw's fees 2.00

Wiley fees 1.00

By Wiley fees 1.00

George Wiley

I executed the within writ on George
 Perkins & John Wilkerson on the 21st
 of April 1858 by reading in their
 presence & hearing

COUNTY OF JEFFERSON.

The State of Missouri,

To Henry John Baker John M. Melt. Louis V. C. the Greeting:

You are hereby commanded, that taking notice all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 26th day of April next
at St. Louis, then and there to testify and do truth to say in a
certain matter of controversy, now pending in our said Court, wherein
State of Missouri is Plaintiff and
John Baker John Melt. John V. C. Defendant on the part
of Plaintiff

and herein you are in no wise to fail.

Given at St. Louis
this 26th day of March 1858

John M. Melt. Clerk of our said Court

with the Seal thereof hereto affixed, at office this

30 day of March A. D. 1858

Eliza J. Henry

Clerk.

I Executed the within writ on Louis Partue on the 19th
 day of March and Wm Willitt on the 16th day of April
 1858 by receding in their presence and hearing Mary
 cum Baker is not found in my County
 Augustine Wiley Sheriff

De Circuit Court
 April Term 1858

State

vs J. A. A.

Robert Baker

Charlotte W. Houston

for J. A. A.

Mary Ann Baker

William Willitt

Louis Partue

Sherriff fees Term 2 1/2 per 1000

Chancery fees over 1,250

COUNTY OF JEFFERSON.

The State of Missouri,

To *John D. Pett*

Greeting:

You are hereby commanded, that taking aside all manner of
excuse and delay, you appear before our *Grand* Court for the
County aforesaid, on the *fourth*
of *October*, when and where 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 Baker Defendant on the part

of *Def* and *honor* you are to come to said.

Witness, *THOMAS C. FLETCHER*, Clerk of our said Court

with the said Sheriff hereto affixed, at office this

26 day of *April* A. D. 1858

John D. Pett Clerk.

State

Calvin Baker

for debt

Debt Be quiette

Sheriff Fee 50c

I Executed the within writ at the County
of Jefferson on 26th day of April 1898
by Reading the same in the Presence
and hearing of Nelson Begette

Augustine Wiley
J. C. James Sheriff
Deft

COUNTY OF JEFFERSON.

The State of Missouri,

David Campbell

To Henry Jackson, Abner Hammett, Clerk of the Court

Greeting:

You are hereby commanded, that seeing void all manner of
 excuse and delay, you appear before our Court and for the
 County aforesaid, on the fourth
 of October, 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 is

Plaintiff and

Abner Barker

Defendant on the part

of Pet

and herein you are so well to feel.

Witness, THOMAS C. FLETCHER,

Clerk of our said Court

with the Seal thereof hereto affixed, at office this

26th day of April A. D. 1858

Elias Henry Clerk.

Executed the within Spa. on Henry Thorton on
 Apr 28th 1858 by reading in his pres-
 ence and hearing on David W. Burrell
 by reading when on the 27th day of
 April 1858.

Henry M. Lee

State

Carlin Butler

for Pitt

Henry Thorton

Malinda Hamilton

Chap. Foster

David W. Burrell

W. J. Dwyer's

fee \$1.00

Henry W. Burrell

25cts

1.25

of executed the within not on Malinda Hamilton
 on 28th Apr 58 & Chap. Foster on 27th by
 reading in their presence & hearing
 W. J. Dwyer
 Henry Thorton not found
 in the County
 W. J. Dwyer

The State of Missouri,

COUNTY OF JEFFERSON.

To *Harmon Smith, Harry McKee, Lewis Partue*
Greeting:

You are hereby commanded, that asking aide all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the *fourteenth*

of *November*, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, wherein

Walt of Mississippi Plaintiff and
Calvin Parker Defendant on the part

of *Walt* and herein you are so well to part.

Editha
Witness, ~~THOMAS C. FLETCHER~~, Clerk of our said Court,

with the seal thereof hereto affixed, at office this

26 day of *April* A. D. 1858

Edw J Storey
Clerk.

I executed the within writ on Harmon Stroup
Harry McKee Louis Partney on April
26th 1858 by reading in their presence and
hearing
W. J. Lundy

State

to
C. Baker.

for p^{ys}

Harmon Stroup

Harry McKee

Louis Partney

W. J. Lundy's

per \$1.00

COUNTY OF JEFFERSON.

The State of Missouri,

To *Oran Linn, Henry Linn Baker, Sarah, & the*
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 *fourth* day of

the *Month*, 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 Missouri is Plaintiff and
John Baker Defendant on the part

of *and herein you are so wise to part.*

~~Witness, THOMAS J. FLETCHER, Clerk of our said Court~~

with the Seal thereof hereto affixed, at office this

24 day of *April* A. D. 1858

Geo Henry Clerk.

I executed the within writ on Oscar
Dora Mary Ann Baker & Sarah McKee on
26 April 1888 by reading in their presence
& hearing
W. J. Dwyer

Attest

E. Baker.

for my

Oscar Dwyer

Mary Ann Baker

Sarah McKee

W. J. Dwyer's
frees 1.50

COUNTY OF JEFFERSON.

The State of Missouri,

To *Wm M. May*

Greeting:

You are hereby commanded, that adding no delay, you appear before our *Dwight* Court for the County aforesaid, on the *23* *16* day of *April* 1858 at *St. Louis*, then and there to testify, and the truth to say in a certain matter of *embowery*, now pending in our said Court, wherein

John *W. May* is *Plaintiff* and *John* *W. May* is *Defendant* on the part

of *Wm* and herein you are in no wise to fail.

Witness, *THOMAS C. JEFFERSON*, Clerk of our said Court

with the seal thereof hereto affixed, at office this

23 day of *April* A. D. 1858

Chas. A. May Clerk.

State
Clerk Baker

For Jeff
M. & Co
of New York see

I Executed the within writ
at the County of Jefferson
on the 9th day of April 1858
by Reading the same in the
Presence and hearing of Mr
McCoy & Augustine Wiley
by J. C. Barnes Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Melis J. Mackin & Wiley

Greeting:

You are hereby commanded, that selling aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 29th of April 1858
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, between

The State is — Sheriff and

Calvin Parker is Defendant on the part
of Plaintiff and herein you are in no wise to fail.

Witness, THOMAS C. FLETCHER, Clerk of our said Court

with the said Sheriff hereto joined, at office this

29th day of April A. D. 1858.

Chas J. Henry

Clerk.

I Served this writ on Willis & Martin on the
29th day of April 1855 by reading in his presence
and hearing Eli Wiley not found

Augustine Wiley
Sheriff

State

= vs. =

Calvin Baker.

Open for debt

Willis & Martin 29

Eli Wiley

Sheriff fees 1000 30

John East

25
73 25

COUNTY OF JEFFERSON.

The State of Missouri,

To

Lucinda Hamilton & Wm. J. Williams

Greeting:

You are hereby commanded, that selling aside all manner of
 cases and delay, you appear before our *District Court* for the
 County aforesaid, on the *fourth*

of *October*, then and there to testify, and to do all to say in a
 return matter of *captivity*, now pending in our said Court, wherein

State

Minister and

Salmon Baker

Defendant on the part

of *My*

and *begin* you up in my wife to put.

David J. Howell

Witness,

~~THOMAS C. JEFFERSON~~

Notary of our said Court

with the seal thereof hereto affixed, at office this

~~24~~ *14th* day of *October*

A. D. 1858

Chas. J. Henry

Clerk.

Executed, the within Spd. by reading the same in
the presence and hearing of H. F. Williams at
the County of Jefferson on the 30th day of April
1858. Lucinda Hamilton not found
in Jefferson County

Emm before me
E. H. Hiney Clerk

W. J. Hardy

State

Calvin Baker

for Plff

Lucinda Hamilton

Mrs F. Williams

W. J. Hardy

Attest

COUNTY OF JEFFERSON.

The State of Missouri,
To *Stephen Coff*

Greeting:

You are hereby commanded, that acting under all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the *1st day of May 1858*
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

Handiff and

Allen Baker Defendant on the part

of *St* and herein you are so well to part.

Witness, *THOMAS C. FLETCHER*, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

21 day of *April* A. D. 1858

Sam. G. Hiney

Clerk.

I Executed the within writ at the
County of Jefferson on 20th day of April
1858 by Reading the same in the Pres-
ence and hearing of Missouri Court

C. L. Foster

State
to
Catharine Fisher

for \$25

Madison Hamilton

Sept. 18 1858

COUNTY OF JEFFERSON.

The State of Missouri,

To *Martha Couch*

Greeting:

You are hereby commanded, that taking note all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the *fourth*
of *October*, 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 Missouri is

Plaintiff and

Calvin Baker is

Defendant on the said

of *Plt*

and herein you are in no wise to fail.

Witness,

~~THOMAS C. HENNINGER~~
Clk

Clerk of our said Court

with the seal thereof hereto affixed, at office this

20th day of *October* A. D. 1858

Aliso J. Honey

Clerk.

Executed the within Spa by reading the same
in the presence and hearing of Martha
Couch. at the County of Jefferson on the
30th day of April A.D. 1858

Shown to before me

Elus & Honey cut

Harvey M. Lee

State

vs & Spa

Calvin Baker

for P.M.

Martha Couch

Shippoe 50.

COUNTY OF JEFFERSON, Mo.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, *Shrilling;*

WE command you to attach

Malinda Hamilton

her by ~~his~~ body, and *him* safely

keep, so that you have his body forthwith before our Honorable Circuit Court, now in session, at *Stellano* then and there to answer a contempt by ~~him~~ committed, in not attending said Court as a *Witness* there this writ.

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

Chas J. Honey

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

with the Seal thereof hereunto affixed, this

26th

day of *April* in the year of our Lord eighteen

hundred and

1874 by Copied.

Chas J Honey

Clerk.

I executed the within writ by attaching
the within named Malinda Hamilton
and brought her before the Judge
who released her under May 1st 1858
April 30th 1858

Shown to before me
Eff Haney Clerk

W. J. Dundy

State
vs
Attachment
Malinda Hamilton

W. J. Dundy \$ 2.00

- 1 Unless the jury find from the evidence that William McMullen did shoot and kill Hiram McCain as stated and charged in the indictment and that the prisoner at the bar did counsel him procure with move aid or command the said William McMullen so to shoot and kill said McCain they must acquit
- 2 If the Jury from a fair view of all the evidence in the Case have a reasonable doubt either that William McMullen did kill Hiram McCain as charged in the indictment or that the Defendant did before such killing. Counsel him procure with move aid or command such killing. then the Jury will acquit

(A) The fact that prisoner may have had knowledge of McMullen's intention to kill the deceased, of itself and without corroboration of his counselling, procuring, inciting moving aiding or Commanding him to do the deed is not sufficient to establish his guilt of the offence charged

B If the Jury find that McMullen by lying in wait, shot McCain and killed him, and that Baker did counsel him procure incite move aid or command the said McMullen so to shoot and kill him, then he is guilty of Murder in the 1st Degree

~~although absent at the time of the killing~~
An accessory before the fact is one who, exhibiting any
C) Express liking, approbation or assent to the guilty purposes
of the principal actor, either by himself or through the intervention
of another doth aid, abet, counsel, ~~and~~ encourage him to do
the deed, ~~and is absent at the time of the killing~~ but the bare knowledge of a person of the purpose
of another to kill, is not alone of itself sufficient to make
him an accessory.

We the Jury in the case of the State of New York
vs. against William Barker. Return a verdict
of not guilty as charged in the indictment -

Wm Longland
Foreman

1858

State of New York

April

To feeding my two dogs in care of the
State as Calvin Parker \$40.10~~\$30.00~~

Pay the above to Elias McHenry.

May 19th 1858

Elias McHenry

State
vs
Baker
Hochen \$3000

Farmington Mo June 21st 1858

The State of Missouri } Indictment for Murder
against }
H.C. Mullin } In the Circuit Court of Jefferson City
and Committed to St. Francois County Jail
for safe keeping.

The State of Missouri } To Elisha Matten Sheriff and Jailor
of St. Francois County,

To Boarding Defendant ~~from the~~ twenty six days
at \$40⁺ per day, is

Committing Prisoner to Jail

\$10. 40

75

\$11. 15

The Clerk of the Circuit Court of Jefferson County
will please tax the above amount in the general bill
of Costs in the above Cause against the State and
Obledge Yours respectfully

Elisha Matten Sheriff of
St. Francois County