

Jefferson County Circuit Court
Case Files - Criminal

Box 9 Folder 33

November 1857

State

vs,

Herrington, Isaac

Assault with intent to kill

Shot Granville B. Blankenship with
a pistol over a card game; depositions;
defendant found guilty and fined \$100;
file contains governor's pardon

State of Wisconsin
County of Jefferson }

G. B. Blankenship being
duly sworn says; that on the 9th day
of September 1857, one Isaac Harrington
did make an assault upon him the
affiant at the County of Jefferson
aforesaid with a pistol and did then
and there with said pistol shoot and
wound him said affiant in the
shoulder with intent to kill him
Sworn to & subscribed
Infer on this 9th day
of September 1857 }

G. B. x Blankenship

Thomas McLeod
Justice of the Peace

Attest

in

before attesting to

affidavit

justice fees 25

The State of Wisconsin

To the Sheriff or any
Constable of the County of Jefferson
Greeting - Whereas, J.B. Blankenship
of said County hath this day given
information upon oath to me Thomas W.
Hoyde a justice of the peace within and
for the County aforesaid that on the
same day at the County aforesaid one
Isaac Herrington did make an assault
upon him and did shoot at and wound
him with said pistol in the shoulder
with intent to kill him said Blankenship

These are therefore to Command you
forthwith to apprehend the said Isaac
Herrington and bring him before me
to answer the premises and further to
be dealt with according to law,

Given under my hand at the County
of Jefferson aforesaid this 9th day of
September 1857.

Thomas W. Hoyde
Justice of the Peace

To the want of an officer to execute and return
 this writ I authorize William Dray to execute
 and return the same.

Thomas M. Lloyd Justice of the
 Peace

State
 of
 Maine
 Justice of the
 Peace
 25
 30

William Dray
 Constable

Enclosed this warrant by bringing peace
 the warrant the within named person before
 the Court at the County of Suffolk on
 the 9th day of Sept 1857.

State of Missouri
County of Jefferson 333

Be it remembered that on
the 9th day of September 1857 Isaac
Berrington Finis Williams

of the County of Jefferson
and State of Missouri personally came
before me Thomas W. Floyd a Justice
of the peace within and for said County
and acknowledged themselves to owe to the
State of Missouri, that is to say Isaac
Berrington the sum of five hundred
dollars and the said Finis Williams

each in the sum of five
hundred dollars to be paid of their goods
and chattels land and tenements if the
said Isaac Berrington shall fail in the
condition mentioned.

The condition of this recognizance is such
that if the above bounden Isaac Berrington
shall personally appear at the Circuit
Court on the first day of the next term
thereof to be holden for the County of
Jefferson on the third Monday of November
1857 next then and then to answer to
answer an indictment to be preferred to
the Grand jury against the said Isaac
Berrington 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 otherwise to remain in full
force

Taken & certified the day
& year last of aforesaid

Isaac Berrington
Finis Williams
R. M. Gray

Steele

by

A. J. Williamson

Receives over to

John at South

Justice fees - 2.50

State of Missouri vs. Strick Williams James
Boyle. Your an lundry commenced to be
supplied before our proceedings & yr story
one of the parties of the piece within the
contract township in the county of Jefferson
on the 9th day of September 1837. on
the afternoon of the same day in
the township & early evening to testify
as at time of a dam which there is
plaintiff & leave Thompson at in
help of my trustful and as
your friend
William my signature the 9th day
of September 1837.

Thomas M. Story Justice of the peace

~~Suppocna~~

Lpa

Justices for 25

Conttable 50

James

The State of Wisconsin
To John Weston John
Adams Adams Adams to be and others
before the undersigned Justice of the
Peace with at his office in said
County to testify in the case of the State
against these Adams Adams & G.B. Weston
their heirs and assigns this 9th
day of Sept 1837.

Thomas Weston
Justice of the Peace

Suppoeenas

Justice fees 25

Constable 75

Exhibit 1-20

State
vs
Isaac Herrington } On the charge of
an assault with an
attempt to kill

Examination.

I B Blankenship being duly sworn
by the Justice testified.

Mr Herrington proposed a game
of cards. we played & I won the money
~~he came out~~ In our playing cards in the
back room. we came in the front-
room. we had some ~~as~~ ^{Dispute} & he
called me a damned liar. I put my
hand on his shoulder & told him if he
pleased not to call me that. he caught
me by the neck and I backed me about
the door & he kept pushing me over -
I threw him down by the fire place - I
hit him a few times. - we got up -
Mr Skelton took hold of me & threw
me out of the door on the porch
on the west end. Mr J Skelton ~~came~~
had hold of me. - Herrington came
out to the door & shot at me -
Herrington was about three feet from
me when he shot. he grazed the top
of ~~the~~ ^{my} left shoulder. he aimed to shoot
me through the breast. Mr Skelton
I think Brooked up the pistol when
he shot. I then got hold of him
& hit him a few licks - don't know
how I got off him.

XX ~~Immediately~~ ^{im}mediately after we were parted Herring-
ton came up & shot at me. I do not
recollect whether I was trying to get back

John Herrington came up & shot
Herrington our always friends before the guard
He & I came

Herrington did not manifest
any disposition to quarrel while
we were playing - nor until he gave
me the lie - I think before the guard
I saw the pistol - & B & Blankenship
John Shulton being only sworn
States.

I was present during the fight &
I was in the back room while they
were playing cards - this occurred in Jefferson
county. They played for money - two
dollars & a half each - the money was
delivered over to Blankenship ^{helping} in the
fighting scrap & I have it now - Blank
Ruship said he would not play but
one game - as they came out of the
room where they were playing Herrington
said to Blank Ruship, I always thought
tho he was not a man. Herrington
after the game, ^{was over} asked Blank Ruship
to play another game, Blank Ruship
told him he would not as that was
not the agreement - after getting into
the room Mr Herrington aged on Mr
Blank Ruship means he would not play
any more - a dispute occurred & Herrington
gave Blank Ruship the lie -
Herrington layed his hand on ^{Blank Ruship} ~~Blank Ruship~~
him & ~~then~~ a second time ^{pushed him} & gave B
the lie twice - Blank Ruship asked
Herrington if he pleased not to do that
any more - Herrington put his hand
on B's breast & then they clinched.

~~I think if I had reached the up it would~~
~~have shot B - though it was~~
I know that my knocking did not make the
pistol fire - If I had not reached it it would have shot
him through the breast - I think from the position

I do not know that the pistol would have gone off
from the pistol's position. I would perhaps have
not been in the way - if I had not struck it -
I was not in the way - I was not in the way -

Blamkuship threw Herington on his
back by the hearth. Blamkuship
struck Herington in the face several
times. Williams said to me he thought
that enough & I caught hold of
Blamkuship & gave him a right-up & I took
him off & ran him out the porch
on the East side. I was still hold
of Blamkuship Herington came
with a pistol - ~~the~~ ^{the} ~~man~~ ^{man} was
inside of a foot of Blamkuship I
knocked it up & as I knocked it
up, it fired - he shot Blamkuship
on the shoulder about the point of the
shoulder. Blamkuship got hold of
the pistol then & I took it from him
& gave it to ^{James} Williams. It was a six
shooter. I saw caps on it. Blamkuship
dropped Herington & hit him again after
he was shot. Mr Johnson was present at
the time & also the two Harries.

XX.

I was present at the quarrel. I did
not ^{see} Blamkuship put his hand on Her-
ington when Herington gave him the lie
at first, as Herington gave the
lie he put his hand on Blamkuship
& B. said as not as that. Herington
then stepped back & threw his coat back
& gave him the lie a second time. Then
they both closed together & I can't say
which struck first, or which stepped
first. Blamkuship hit him several times &
then James Williams & I parted them. I
did not see James take hold of him.

~~It was~~ The shooting was in a moment
after the fight. Blankenship was pushing
~~against me out on the porch. Blankenship~~
~~was going to use the pistol on Herrington~~
~~and I took the pistol from him.~~ ^{Now}

Blankenship said he was armed & 2 ~~there~~
Herrington was armed. I had hold
of Blankenship pushing him & he pushing
me from Herrington's fire. Mr Blank-
enship got the pistol from Herrington
& I got it from Blankenship. Bl-
ankenship did not offer it to anyone
W. Lee Slater

John Thomas being born states -

I was not present while they were
playing cards. Herrington & Blanken-
ship came out of the back ^{room} & Herrington
called him a liar. Herrington threw
Blankenship back. They clinched for
a fight. Blankenship then threw Herring-
ton down & beat him ⁱⁿ the face.
Before Herrington called B - a liar
they had some words about what
happened in the back room. Sullivan
& Williams parted them. Sullivan took
Blankenship out of the door. I saw
Herrington come from out the house
to the door & shoot B. Herrington
aimed to shoot him in the breast.
I did not know why he did not
shoot him in the breast. I heard the
report. I saw the wound & saw holes
in his coat.

XX I do not remember whether Blankenship
put his hand on H when he gave the lie or
not. Blankenship was fighting all he could
when he was pulled away.

Continuation of Harms cross exam-
-ination —

I saw Blankenship have the pistol
but I did not know how he got it —
Blankenship I thought would have
used it on Harrington if it had not
been taken away from him. They appear
and like they are both drinking — I think
Harrington was very drunk. I saw Blank
enship have ~~the~~ thumb in the act of
biting but did not see him bite it —
I think Blankenship's strength was a little
shaken Harrington — In the first fight he
could have beat Harrington to death if
he had some proper — He showed no motion
or disposition to quit fighting until he
was pulled off. Blankenship said he
would have shot Harrington if they had
not taken it away from him. He did
not appear to be wanting to get back
after the first fight & made no threats.
Re Ex

The worst looking the get was after
Harrington had shot him B — When
Harrington shot Sullivan was standing
sideling to Harrington & B — was facing
Harrington —
John ^{his} Harms
mark

Mr Harrington's statement

Blankenship & I were drunk
& I do not remember anything about
the difficulty — previous to that we
were always friends.

A Harris being sworn states

I saw them come out of the room
& I heard Harrington say he was a
damned rascal - Harrington struck
him - Harrington put his hand on B -
B - said to him as not call me that
if you please - I did not see H strike
at all - I saw no hit struck until
after they were down - I saw B - hit
H several hits - had H on his back
- did not see H do anything - but
H considerable - Shulton & Williams
parted the the first fight - while
fighting Shulton & Williams took them
apart - Shulton had hold of B - when
H came & find it him - B had his face
towards the door when H find - all this
occurred in a few moments after the
fight - I saw Shulton strike something
just as the pistol fired - either his arm
or the pistol - after the pistol ^{first} the next -
I saw Blankenship & Shulton both had
hold of the pistol - I seemed that all
three were trying to hold the pistol Harrington
Shulton & Blankenship - I do not know
who parted the in the second fight - It
appeared at the time B - was pulled off
he could have beat him to death if they
had not been parted.

XX The pistol was pointed at his breast
- the pistol never fired but once

A X Harris

Jonas Williams being sworn states

Mr Blankenship & Mr Harrington went into
the back room & came out fussing. Harrington

Called Blankenship a damned liar or
~~shit-ass~~
Rascal I do not know which. They then
struck, B. throwed him & struck him
a lick or two & knocked him perfectly
limber. I told John Chilton to ^{help me} take him
off. Chilton took B. - out the door
I put Armington against the back
door, Armington went to the ^{front} door & I
heard a pistol fire. I came out & saw B.
beating ~~for~~ Armington with the face. I took
him by the arm & took him off. There was
no lick struck until Blankenship throwed
Armington - did not think Armington layed
his hand upon him. I do not think either
struck until Blankenship threw him. -

Blankenship struck Armington several
licks in the face which injured him a great
deal - ~~He was~~ ^{after he threw him} was not very hard to keep
away the first fight - do not think he
was very anxious to get back - I thought
Armington was beat very badly - He was
not able to do much after the first fight
Blankenship was able to whip four
such as Armington. I had just as time
he picked up Pipkin & was to be hit
by Blankenship. We pulled B. - away
Chilton took him out of the door.

XX I was behind the counter. They came
out disputing - the first I noticed Blank
Renship had throwed him & struck him under
hand under the which took hold
first I cannot say. I saw Armington
with his pistol in the morning in his belt
- a nover-colt. He was sober then said
his was going to Farming to day
James H. Williams
more

Wash
200
Harrington

Positions of
machines

positions for 200

Filed Sept 16th 1887
Elias H. Hovey
C.R.

The State of Mississippi In the Circuit Court
County of Jefferson of Jefferson County
November Term A.D. 1857

The Grand jurors of the State of Miss-
-issippi 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 Isaac
Herrington late of said County, on the
ninth day of September one thousand
eight hundred and fifty seven, with force
and arms at the County of Jefferson
of one side, in and upon one Granville B
Blankenship, then and there being felon-
-iously did make an assault and that the
said Isaac Herrington, a certain pistol
then and there charged with gunpowder
and nine, leaden bullets, which said pistol
he the said Herrington, in his right hand
then and there had and held then and there
feloniously and wilfully, did discharge
and shoot off, to, against and upon the
said Blankenship, and that the said
Herrington, with the leaden bullets afore-
-said out of the pistol aforesaid, then
and there by force of the gunpowder aforesaid,
by the said Herrington discharged
-ed and shot off as aforesaid, then and
there feloniously and wilfully did strike
and penetrate and wound him the said
Blankenship, with ^{intent} him the said Blan-
-kenship then and there feloniously and
wilfully to kill.

Against the peace and dignity
of the State, D. D. Gale Circuit Clerk

22/1/17

as

1617

Hoare & Thompson

Indemnity of an
an Abandon with
instant A. K. L.

A. James Smith

Geo. W. M. Smith

Thompson

W. J. Jones

Greenwich, London

22/1/17

John W. Smith

Wm. W. Smith
after extinction

Filed Jan. 27, 1857

Oliver J. Honey

Wm.

John

COUNTY OF JEFFERSON.

The State of Missouri,
To L. B. Stanekovich, John Shelton. J. W. Williams

Greeting:

You are hereby commanded, that acting aside 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 the truth to say in a
certain matter of controversy, now pending in our said Court, wherein
the State of Missouri is Plaintiff and
Jesse Herington is Defendant on the part
of Plaintiff and herein we are to take the part.

Witness, THOMAS C. FLETCHER,

Clerk of our said Court

with the Seal thereof hereto affixed, at office this

30 day of March A. D. 1858

Ohio Honey

Clerk.

I Executed the within writ on G.B. Blumenship on the 19th
day of March and on John Shelton and Jimis Williams
on the 15th day of April 1858 by receding in ~~to~~ their
presence and hearing

Augustine Wiley Sheriff

20. Cor. Court

April Term 1858

State

vs J. A.

Jaac Herrington

for 20th

G. B. Blumenship 19.

John Shelton 15.

Jimis Williams 15.

Sheriff fees \$1.50

COUNTY OF JEFFERSON.

The State of Missouri,

To

Stephen Johnston

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 27th day 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, wherein
John C. Stephens Plaintiff and
James Thompson Defendant on the part
of both

and herein you are to make do fait.

Witness,

THOMAS C. FLETCHER,

Clerk of our said Court

with the Seal thereof hereto affixed, at office this

27 day of April A. D. 1858

Chas B Henry Clerk.

State

James Thompson

for Pitt
St. Johnston

proceedings

March 1830

1830

1830

COUNTY OF JEFFERSON.

The State of Missouri,

To E. B. Standenhigh, his Heir, since William, Step. Johnston
Greeting:

Having been duly commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 20th day of October next
at St. Louis, 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 Missouri is Plaintiff and
Jacob Thompson is Defendant on the part
of Plaintiff.

And so to say
Verdiness, THOMAS C. FLETCHER, Clerk of our said Court.

with the said thereof hereto affixed, at office this

20th day of August A. D. 1858

E. B. Standenhigh

Clerk.

I executed the within *Spe* at the County of Jefferson
State of Missouri by reading the same within the presence
and hearing of Stephen Johnston on the first day of
October A.D. 1858 Oscar Dover Sheriff

Do. Council Court
Oct. Term 1858

State

Joac. Herrington

for 20th

A. J. Blankenship

for Shelton

Joac. Williams

Stephen Johnston

Oscar Dover Sheriff
for 50 cents
\$1.50

I executed the within *Spe* in the
County of Jefferson on the 1st of October
1858 and on Stephen Johnston on the 1st day
of October 1858 by reading the same within
their presence and hearing
Oscar Dover Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Hean &

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 30 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, to-wit:
That is Plaintiff and
James H. Livingston is Defendant on the part
of Ditt and herein you are in due time to fail.

Witness, THOMAS C. FLETCHER, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

26 day of Oct. A. D. 1858

Charles H. Tracy

Clerk.

I Entered the within writ at the County
of Jefferson on 26th day of October
1858 by Reading the same in the
Presence and hearing of John Harney
Asst. Sheriff
J. C. Pomeroy

State

James Harney

John Harney
5010

COUNTY OF JEFFERSON.

The State of Missouri,

To Ed Holden and J R Bruce

Greeting:

You are hereby commanded, that acting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 2^o day of ~~October~~ 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 Plaintiff and
Isaac J. Hannington is Defendant on the part
of Aft

and herein you are in no wise to fail.

Edw J Honey

Witness,

~~THOMAS C. MILLER~~

Clerk of our said Court

with the Seal thereof hereto affixed, at office this

30

day of Oct.

A. D. 1858

Edw J Honey

Clerk.

I Guarantee the within writ at the
County of Jefferson on 30 day of
October 1858 by Reading the
same in the Presence and hearing
of J. R. Bruce & C. Hildman

Wm Dower Sheriff
by J. C. Power Deputy
Sheriff

State

Isaac S. Herrington

for debt

C. A. Hildman

J. R. Bruce

Sherriff fees \$1.00

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

TO *John Hottel his Heirs, Wm Standen & his*
James Melvian & John Hottel

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

20th day of June next

at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said

Court, wherein

the State of Missouri is

Plaintiff and

James Hemminger is

Defendant on the

part of

Plffs

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

28th

day of

April

A. D. 1859

Elias F. Honey

Clerk.

I executed the within Spa in the County of Jefferson
on Finis Williams & John Shelton by Reading it
within their presence and hearing on the 30th
day of April A.D. 1859

Osad Dover Sheriff

To Council Court
June Term 1859

State

vs

Isaac Hearnington

for Debt

John Shelton

vs Hearnington

vs Isaac Hearnington

vs Finis Williams

vs John Shelton

Sheriff fee \$2.25

I executed the within writ the County
of Jefferson on the 18th day of May 1859
by Reading the same in the Presence
and hearing of Spoke & Johnston
also on the 27th day on John Hearnington
Reading the same in his Presence
and hearing
of B. Blankship
found in my County Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Geo Melman*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Berwick* Court for the County aforesaid, on the *fourth* at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *the State of Missouri* Plaintiff and *Isaac Houghsbee* Defendant on the part of *the said* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

6 day of *Jun*, A. D. 185*9*

Elias F Honey
Clerk.

June Term
1859

State
vs
Harrington

for debt

C. A. Hulman

509

I Veren the within writ in the
County of Jefferson on the 6th day of June 1859
by reading the same in the presence
and hearing of Dr. Hulman

J. B. Barnes Dpty
Sheriff

State

vs

James Herington

Sho bill before Shroffs Justice	3.45
Justice fees -	
Constable William Dunslop -	1.75
witnesses John Hamblin & James Wood	50
Decr the 10 1859	
Return of J. H. Herington	
My fees in full with	
Bar fees	

Thomas H. H. H.

for bill for
H. Herington

If the Jury find that the Defendants did shoot Blackenship in the manner charged in the indictment with the intent to kill him they will find him guilty & fix his imprisonment in one of the following ways, 1st By imprisonment in the State penitentiary for a term not less than five nor more than five years, or 2nd By imprisonment in the County Jail not less than six months, or 3rd By both a fine not less than one hundred Dollars, and imprisonment in the County Jail not less than three months, or 4th By fine not less than one hundred Dollars.

Unless the Jury find that the Defendants intended in shooting at Blackenship, to kill him they will acquit him.

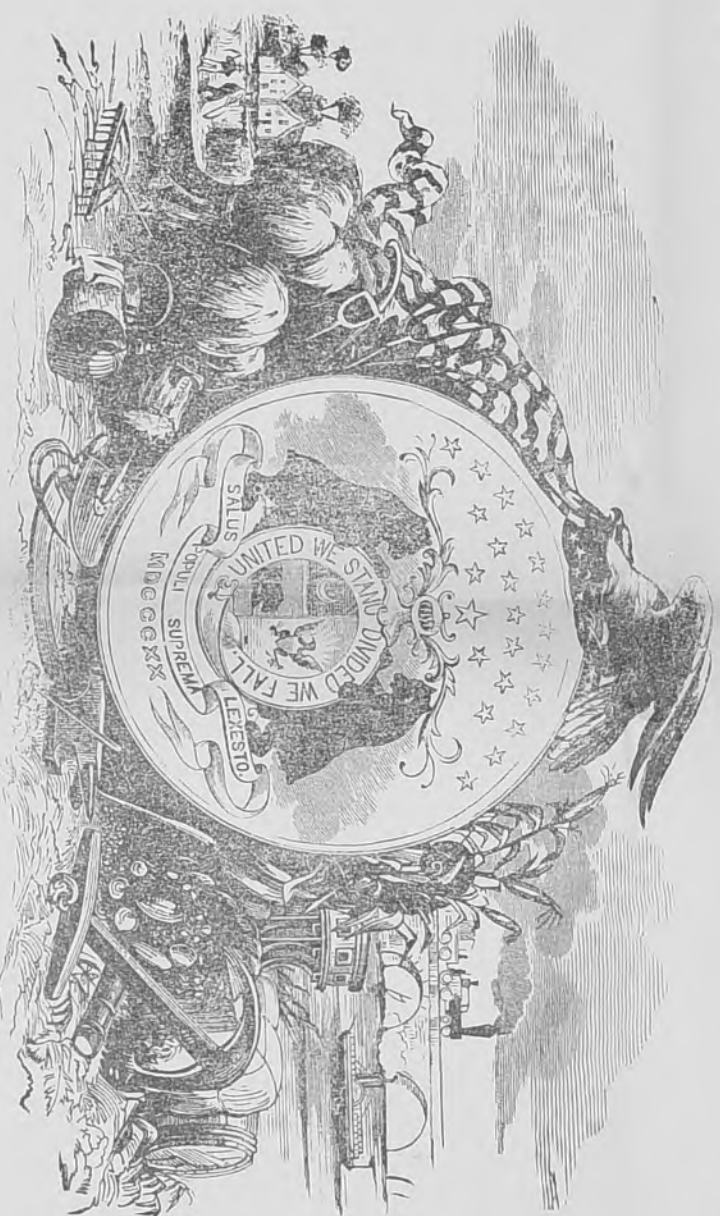
If the Jury find that after Blackenship was taken out of the house, that there were no longer any reasonable grounds to apprehend any further attack of Herrington, he shot at him with the intention of killing of him, then he is not excusable on the principles of self defence and the Jury will convict him.

But if the Jury find that Blackenship commenced the assault on Herrington, and that Herrington had reasonable cause to apprehend a design on the part of ^{Blackenship} ~~Herrington~~ to kill or do him some great bodily harm, and that at the time of shooting he had reasonable cause to apprehend immediate danger of his accomplishing his design against him, and that he used no more violence than was necessary to resist his attack and free himself from danger, then he is excusable on the principles of self defence and the Jury will acquit him.

We the Jury find the defendant
guilty and assess the punishment to
a fine of One hundred Dollars

Norman Pennell
Foreman

THE STATE OF MISSOURI



In All who shall see these Presents---Brethren:

Know ye That, By virtue of authority in me vested by law, and for good and sufficient reasons appearing, I, R. M. STEWART, Governor of the State of Missouri, do hereby release from the payment of a fine Isaac Stearns, who was, at the Court of Sessions held at the County, committed to the jail of said County, and fined for the crime of breach with intent to kill and I do hereby entitle the said Isaac Stearns to all the rights, privileges, and immunities, which, by law, attach and result from the operation of those presents, he paying all costs that may have accrued in the prosecution of the case in which he was found guilty.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri: Done at the City of Jefferson this fourth day of December in the year of our said one thousand eight hundred and thirty-six; of the Independence of the United States the eighty-fourth and of the State of Missouri the thirty-second.

BY THE GOVERNOR:

R. M. Stewart

A. G. Grady Secretary of State.

*Recd for \$1.00
Made ends by mail*



Howing Corp
1617

State
as
John Derrington

James M. Howing Corp
1617
John Derrington
State
as