

Jefferson County Circuit Court
Case Files - Criminal
October 1858, No. 2

Box 10 Folder 22

State of Missouri

v.

Galloway, James

Assault with intent to commit manslaughter

Defendant assaulted William Strickland with
a knife. Defendant found guilty, two years
in penitentiary.

State of Michigan }
County of Jefferson }

Before me J. W. T. after a further
of the peace for said County personally
came Thomas, Hester who being duly
sworn & declaring to have deposited
and said that on or about 29th day
of August 1838 at the County of
one Thomas, Gallagher said of said
County said state and named William
Hester and with a truck in eight
or nine places in the back head
and wing of the great danger of his
self and further this before said
not

Witness our hands this 29th day of August 1838

J. W. T. after 20

that

is

epidemic

State of Missouri } The Court of the
County of Jefferson } Platin. Township
} Greer

Whereas Complaint has been made
before me ~~Wm~~ Foster - one of the Justices,
of the peace in and for the County
aforesaid upon the oath of Thomas
Hare that one James Gallowsay
late of the County aforesaid did on
or about the 28th day of August
1858 at the County aforesaid do stab
and wound ~~Wm~~ Strickland in
eight or nine places in the back
head and arms, to the great danger
of his life -

There are therefore to Comen
and you to apprehend the said
James Gallowsay if he be found
in your County and him safely
keep so that you have his body
forthwith before me to answer
said Complaint and be further
acted with according to Law

Given under my hand this
the 29th day of August 1858

Wm Foster - JP

State vs. ~~Wheat~~ {
James J. Gallivan

Executed the within by taking the defendant
and he is now present By J. J. Gallivan
August 30th 1838 }

State of Missouri To the Court of State
County of Jefferson Township Gretna

You are hereby Commauded to summon
John, Alfred, Pleasant, Post Sam, Beards
Elisha, Vernon Joshua, Gosa St. Mann
arriving to be and appear before me William
Hofter one of the Justices of the peace
in and for said County fourth month and
there to give testimony and the truth
to say touching a certain Complaint
made on behalf of the State against
James Gallen and hereof fail not
at your peril under the penalty of
the Law and say you then show this writ

Given under my hand this the
3rd day of August 1838

W B Hofter J.P.

~~White~~

W { Jacks

James, Gallows
H

Since the winter
on the winter man
ed victory by war
ing the same in
then hearing this
the 30th day of
August 1868

Agg. 1868

J. Allen X

J. Port X

E. Brown X

J. Bear X

J. Gora X

J. Hareman X

State of Missouri } The State of Missouri
County of Jefferson } By the Keeper of the said
Jail of the said County
Greeting

Whereas, James Galloway has been arrested on the oath of Thos Hughes for stabbing William Strickland with a knife to the great danger of his life and has been examined by me Wm Foxton one of the justices of the Peace within and for the said County on such charge and required to give bail in the sum of one thousand dollars for his appearance before the Circuit Court of said County on the first day of the next term thereof which requisition he has failed to comply with therefore in the name of the State of Missouri I command you to receive the said James Galloway into custody in the Jail of the County aforesaid and there to remain until he be discharged by due course of law

Given under my hand this the
30th day of August 1858

Wm Foxton J. P.

Rec^d. Aug 30th 1858

State

W

James. Gallows

Committee in

default of

Bail for one

Thousand Dollars

Wm. D. H. W.

State of Missouri }
County of Jefferson }

Be it remembered that on this the
30th day of August 1838 personally came
J. Allen, P. Port, E. Vernon, J. Beard
J. Gosa A. S. Manning and acknow-
ledge themselves to owe the State
of Missouri fifty Dollars each
to be paid of their Goods, Chattels,
Sands and Tenements to the use of
the State if default be made in
the condition following that the
said above Bondmen shall person-
ally appear at the first day of the
^{next} Term & to give Testimony on behalf of
State and the truth to say touching
such matters as may be then and there
required of them and not depart the
Court without leave then this recogni-
sance shall be void and of no effect
otherwise to remain in full force and
and virtue in Law

Taken and acknowledged before me
at my office the date of above

Wm. Hofton Jr. }

E. Vernon
J. Allen
Joshua Gosa
Present for
James Beard
A. S. Manning

State...

W

Galena

Recognition

of

history on history

of state —

State of Missouri } In the Circuit Court
County of Jefferson } October Term A.D. 1858

The Grand jurors of the State of Missouri now here in Court, duly empanelled and sworn and charged to inquire within and for the body of the County of Jefferson, upon their oath, present that James Galloway late of said County, on the twenty eighth day of August one thousand eight hundred and fifty eight with force and arms at and in the County of Jefferson, unlawfully and feloniously did make an assault on one William Strickland, and did then and there with a certain knife, which knife the said James Galloway in his right hand then and then had and held - did unlawfully and feloniously, with the said knife so then and held, strike, cut and wound him. The said William Strickland, said knife being a dangerous weapon (likely to produce death or great bodily harm) whereby the said William Strickland was wounded and received great bodily harm, under such circumstances as would have constituted Manslaughter if death had ensued, Against the peace and dignity of the State

And the jurors aforesaid upon their oath aforesaid do further present that James Galloway late as aforesaid on the day and year aforesaid at the County of Jefferson aforesaid

unlawfully and feloniously on assault did
make upon one William Strickland, with
a certain knife, and did then and there
with the knife of aforesaid unlawfully and
feloniously cut, stab and strike him
the said Strickland, whereby the said Strick-
land was greatly injured, wounded, and
received great bodily harm, with intent
~~in so doing him the said Strickland to~~
~~kill~~ under such circumstances as
would have ~~been~~ constituted manslaughter
if death had ensued.

Against the peace and dignity of
the State

Daniel L. Gale Atty. Genl.

Recd Oct. 26th 1858
Dear & Honorable Sir

#2
Note
1530

James Calloway

Indorsment for
an Assault with
intent to commit
Murder

A True Bill

Albert G. Wanda

Witness

Witnesses
E. Benson
J. Good
A. J. Manning
Dea. A. B. B. B.
John Alfred
James Bond

COUNTY OF JEFFERSON.

The State of Missouri,

To

W. J. Dancy, W. E. Clark

Greeting:

You are hereby commanded, that seeing aside all manner of
excuse and delay, you appear before our *Seignior* Court for the
County aforesaid, ~~on the~~ *fourth* with

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
at issue

Handoff and

Jane Dancy is

Defendant on the part

of *PLT*

and having you are in no wise to fail.

Edw. J. Henry

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

with the Seal thereof hereto affixed, at office this

21st day of *Oct* A. D. 1858

Edw. J. Henry

Clerk.

I Executed the within writ at the
County of Jefferson on 26th day of
October 1858 by Reading the same in
the Presence and hearing of P B Beatty
W E Clark Oscar Dancy
by J L Power Deputy Sheriff

State

Las Vegas

for Plett

P B Beatty

Sheriff \$ 100

COUNTY OF JEFFERSON.

The State of Missouri,

To

William Lee Jackson

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Court and for the
County of Jackson, in the jurisdiction

of the Court, 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 Plaintiff and

John Baker is

Defendant in the said

of

and hereby you are in due time to fail.

Witness, THOMAS C. FLETCHER,

Deputy of our said Court

with the said Sheriff hereto affixed, at office this

21st day of Oct. A. D. 1858

Eliza J. Hooper

Clerk.

State

See Calendar

In suit

Wm Steel

J. B. Shuck
Sheriff

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 Wm Steel & J. B. Shuck,
as Com. Sheriff
by J. B. Turner Dep

COUNTY OF JEFFERSON.

The State of Missouri,

To

Abner Brown John Brown, Appraising Plaintiff
vs
John Alfred James Bear & Defendant

Greeting:

Whereas and delay, you appear before our Circuit Court for the County of Jefferson, on the 1st day of March

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

James Galbreath State is Plaintiff and

John Galbreath is Defendant on the part

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

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

with the Seal of said Court affixed, at office this

2d day of October A. D. 1858

John J. Henry

Clerk.

I Entered the within writ at the
 County of Jefferson on 26th day of Oct
 1858 by Reading the same in
 the presence and hearing of
 E. Vernon A. J. Mannware

State

James Galway

for debt

E. Vernon

John Goza

A Mannware

Pleasant Dick

John Alfred

James Board

24.50
 52.1
 100
 100
 125

State } Indictment for assault ~~with intent to kill~~
as } ~~under circumstances such as would have been man-~~
Jas. Galloway } ~~slaughter if death had ensued,~~
Now comes said defendant and moves
the court to arrest the judgment in the above cause
for the following reasons

1st The indictment is insufficient & in this
the indictment does not aver the offence with
sufficient certainty.

The indictment does not aver specifically
the offence

The indictment is in material matters vague
indefinite & insufficient

The allegation that the stabbing was done under
circumstances which if death had ensued
would have been manslaughter, without alleging
the circumstances is insufficient for the defendant
to be held to answer.

The verdict is not sufficient to warrant
the entry of a judgment thereon, against the Deft.

W. H. C. atty
for deft

State:
James Macleanway

Protest in arrest
of Hudak.

Filed Oct 29 1895
Edwin J. McHenry

if the duty gave that the Deputations did not begin the fight
or having begun it by striking Throckmold, with his fist, in
great passive actions from it, and that Throckmold drew
his knife, with the intention of attacking him, and that
the Prisoner being in, ^{immediately} stranger of life or of becoming
great badly harm from Throckmold, drew his knife, and
struck Throckmold, leaving no more force than was
necessary to place himself out of danger, then
he is not guilty and the duty will be deprived of it

State
against
James Galway

If the Jury find that the Prisoner assaulted
the Witness Strickland, with a knife, being a dangerous
weapon likely to produce death or great bodily harm
and did wound and endanger the life of the said
Strickland, then he is guilty as charged and the
Jury will fix his punishment to imprisonment in the
Penitentiary for a term not less than two nor more than
five years, or in the County Jail not less than six
months, or by fine not less than One hundred Dollars
and imprisonment in the County Jail not less than
three months or by fine not less than One hundred
Dollars

We the Jury find the Defendant Guilty
and Assess the sum of ten pounds
in the Penitentiary for the term of two years
J. S. Parrot

State } Indictment for assault with intent
James^{vs} Galloway } to commit manslaughter,

Now at this day comes said defendant
by his attorney & moves the Court to set aside
the verdict and judgment in this cause for the
following reasons,

- 1st The verdict is informal in not referring
to the cause nor the indictment nor stating
of what the defendant is found guilty,
- 2nd The verdict is against the evidence
- 3rd The verdict is against the weight of evidence
- 4th The verdict is against the law & evidence
- 5th The verdict is against the instructions
- 6th The Court erred in giving the instructions
for the prosecution,

~~Hetcher for Deft~~

7 The defendant has discovered testimony material
to his defence since the trial, of which he did
not know before the trial,

Thomas & Hetcher
for Deft

That
as

Gallopway

Motion for new
trial

Filed Oct 29th 1875

Chas H. Hoover

overlooked

State
Wm. Gallows
Lee. Price