

Jefferson County Circuit Court - Justice of the Peace
Case Files - Criminal
October 1840

Box 12 Folder 66

State

v.

Fisk, John W.

Public Indecency

Defendant cohabitated with Mary Winn;
Witnesses: John Row, Noah Row, and
John Moore; Prisoner discharged
by JP Nathan Sullens

The State of Missouri

To the Sheriff or any Constable of the County of Jefferson greeting
Whereas Information has this day been given that one John W. Fisk and Mary Winn both of the County of Jefferson and State aforesaid did Leavely and indecently Cohabit together on the evening of the 28th of October 1860 in the public County Road and by the road side near the Store of Henry Berns, Stone near Elbadore Mills.

These and therefore to command you forthwith to apprehend the said John W. Fisk and Mary Winn if they be found in your County and bring them before me Nathaniel Sullens a Justice of the peace to answer the Charge and be further dealt with as the law directs Given under my hand this 30th day of Oct 1860
Nathaniel Sullens J.P.

At the request of the State of Arkansas
 to execute the writ of Habeas Corpus
 granted under my hand the 30th Nov 1860
 J. P. Constable J.P.

State
 No -
 J. W. Foster
 Mary W. Foster
 Justice two 25

In obedience to the within command
 I have arrested the said John W. Foster
 and Mary W. Foster and delivered them
 over to the said Edmund S. Searns
 Justice on the 30th day of Oct, 1860

J. P. Constable,

State of Mississippi
County of Jefferson

Before the undersigned

of one of the Justices ^{of the Peace} of Merriamack
Township in Jefferson County came John
Raw who being duly sworn upon his
oath says that and John W. Fisk
late and Mary Wain both of said
Jefferson County ^{by} ever lawfully
and innocently cohabit together on
the evening of the 28th day of Oct. 1860
in the County Road and by the road
side near the store house of Henry
Borne - of said County and further this
deponent sayeth not
Subscribed and sworn
to this 30th of Oct 1860
E. Patton Sullens J. P.

John W. Fisk
Mary Wain

State
20

J. H. Park
affidavit

Justice pro 25

State Missouri
vs
John W. Fisk

John W. Fisk being
accused before Nathan
Sullivan Justice of the Peace
for Jefferson County of an
open and notorious act
of public indecency by

Leviciously Cohabiting with and Mary
Winn of Jefferson County, (Mo) on the 28th
day of Oct. 1860,

John Saw a Witness on the
part of the State after being duly
sworn upon his oath says, that on the
evening of the 28th day of Oct. 1860 my
self wife and Erastus Wife went to
Dr. Maonds where we had started
home late in the evening John Moore
fetches the word that Mr Winn was
lying in the road drunk and that
George Tibbs halloed to Chap Winn
that he had better go and see about his
mother that she was drunk, so
then started back and George Tibbs +
and Maonds two sons and when in about
two hundred yards of her I beckoned

With my hand for the Women to Stop
I then went up within about thirty steps
and saw her Mrs Winn and John W.
Fisk ~~six~~ ~~the~~ a lying out about ten or
twelve steps from the road since her
the said Mrs Winn and J. W. Fisk
in the very act of cohabiting together he
the said Fisk making every motion as
if ~~he~~ he was in the very act of cohab-
iting with her the said Mary Winn
and he the said Fisk I suppose hearing
a noise rolled up her the said Mrs
Winn once pulled her close down and
then turned over on his belly about
four feet from her Mrs Winn and
When I went up to them he set on
to be sound asleep I saw when look-
ing round some small holes in the ground
looking resembling those made with the
toes of a mans shoes I took hold
of Fisks arms and shook and pulled
him and he said you had better go away or
you ^{might} ~~will~~ get hurt
his
John X Raw
mark

Noah Paw a witness on the part of
the state after being duly sworn upon
his oath says that on the Evening of
the 28th Inst my uncle William and
myself went down to Henry Barnes store
for the purpose of getting a piece of tobacco^{ce}
and when we got there there was several
persons there and Mrs Wain and John W.
Fisk with others and they were drinking
Whiskey pretty freely some times one a
drawing Whiskey and some times another
I saw Mr Fisk draw a glass of Whiskey
and ask Barnes for some sugar and
Barnes showed him the sugar and told
him to help himself and after he had
to the sugar he the said Fisk winked
at him the said Paw and I shook my
head at him meaning for him not to
give it to her Mrs Wain and he the said
Fisk gave her the Whiskey to drink and
she drank about half a glass; and in a
few minutes after I saw her drink the
half glass of Whiskey I went out and sat
down on the porch and in a short time

after I sat down ~~in~~ on the out side of the
house Mrs Winn started off up the road
and when about forty or fifty yards from the
store she staggered off ~~from~~ down a slant
to the left and fell in a ~~most~~ workless
out by the road side & he lay there about
ten or fifteen minutes when she got up
and went off up the road towards Dr Moore
from whence I saw her no more until I saw
her and Fisk up a short distance above the
store between the County road and the road that
directly leads down to the store; then when I saw them
there she the said Mrs Winn were a lying
on her back apparently useless and senseless
so far as knowing any thing and he the said
Fisk were a lying about two steps from her
the said Mrs Winn

1st question by Justice

Did you think that the said Fisk was
going to try to take an undue advantage
of Mrs Winn when he was going to
give her the Siquor and when he worked at ~~the~~ ^{your}

Answer A. Delia

2nd question Did you see any other conduct
between that evening to make you think that
he wanted an intercourse with her
answer I saw him when he came from
behind the counter from getting the sugar.

as she were a leering against the counter
he caught her on the head on the lower
part of the head.

his Paul
mark

I am sworn a witness on the part of the
State after being duly sworn upon his
oath says, that on the Evening of last
Sunday I started to the river to water a
horse and when I got down close to George
Tibbo's stable I saw Mrs. Winn and Mr.
Fisk lying across the County Road flat
of her back and Mr. Fisk on top of
her and when Fisk saw me he got up
and pulled ~~off~~ ^{down} her dress and put in
his shirt and ~~the~~ buttoned up his pants
and then sat down by Mrs. on a log.

Question by Justice

Did you see Mrs. Winn move while you
were there?

Answer I did not.

2nd question ~~and~~ are you sure that it was
Mr. Fisk that you saw on the ~~the~~ top of
Mrs. Winn

Answer. I am sure it was Mr. Fisk

his
John X McLeod
mark

State of Missouri }
County of Jefferson }

Be it remembered that on the 31st day of October 1860 at the
County aforesaid John Row Noah Row & John Moore of
Jefferson County come before me a Justice of the Peace within and
for the county aforesaid and in their proper person
acknowledge themselves indebted to the State of Missouri
in the sum of one hundred dollars each to be levied of their
goods & chattels lands & tenements upon condition that if they
shall personally appear before the circuit court of said county
on the first day of the next term thereof to be holden for the
county of Jefferson then and there to testify and give evidence
in behalf of the said state against a certain John W Fisk
on a certain charge of being charged of an open and notorious
gross public indecency by cohabiting leaviceously with one
Mary Winn of Jefferson County ~~by the said John W Fisk~~
~~upon this~~ wherein with the said John W Fisk is charged and
shall not depart the said court without leave then this
reconissance to be void otherwise of full force

Approved this 31st day
of October 1860

Nathan Sallens J.P.

John Row
Noah ^{his} Row
John ^{his} ^{mark} Moore

Justice, per affi and \$50

Mr. Hancy clerk Sir please to
Carry up my cost ex. Sullens
and Carst per also and iditups
and per prisoner and gaol fees
per day and night by Justice

State of Missouri
County of Jefferson } Is

The examination of John
W. Fisk of Jefferson County taken before me
Nathan Collins one of the Justices of the peace
within and for the County of Jefferson aforesaid
on the 31st day of Oct, 1860 the said John
W. Fisk being charged with an open and notorious
act of public indecency by cohabiting ^{as} Leicivai
- andly ~~cohabiting~~ with and Mary Winn of
Jefferson County he the said John W.
Fisk upon his Examination was taken
before me says

Examination of the Prisoner -

Mr Fisk; Says that as it regards the
Liquor spoken of by Mr Raw said person
requested me to ^{sweeten} ~~liquor~~ the liquor and give
to Mrs Winn I did so ^{or gave to some other person} and in the course
of ten or fifteen minutes I went up
to Dr Moore, and stayed say half
hour and on my return back I saw
Mr^{rs} Winn a lying, & in a waggon
out and her feet in the logs of the road
I thought that did not look right to see
her in that situation I thought that I would
take her out of the road and I undertook
to pick her up and lay her out side of
the road I succeeded in doing so and then
I saw some hogs around there and I thought
that they might interfere with her and I sat
close by a stump thinking that they would
pass off or some person would come along
and as regards her & my pulling her close
down in my getting her out of the road
when I layed her down she rolled over
and her close come up a little above her
knees and I then pulled them down and
further desayeth not } Polson, W, Fisk

The State of Mississippi

To Wm. H. Medley

Deputy Constable of Merriamack Township
and the Keeper of the Jail of the Jail of
said County greeting

I do hereby Command you
the said Constable forthwith to app. convey
and deliver into the Custody of the Keeper
of the Jail of the County of Jefferson aforesaid
the body of John M. Fisk of Jefferson County
taken and brought before me a Justice of the
peace within and for the County aforesaid
and charged before me upon the oath of John
Rau of Jefferson County with an open and
vicious act of public indecency by coha-
biting with one Mary Wain and you the said
Keeper of the said Jail are hereby required to
receive the said John M. Fisk into your
Custody into the said Jail and him there
safely keep until he shall ^{there} be discharged
by due course of law

Given under my hand this 31st day of
October 1860.

Nathan Sillers J.P.

State
John M. Smith

Warrenton

Commitment

State Bond for

Three hundred

Dollars—

For the sum of \$5

State } Repre N. Sullens L. P
 as } committed Oct 31 1860
 John W. Vick } Ice Bell
 Nathan Sullens Justice
 Affidavit of information \$0.25
 Warrant for arrest " 25
 Warrant " Committing to Jail " 25
 Writing testimony 1050 words @ 10¢ 105
 Recognizing Witnesses 0.25
 3 oaths 15
 Board Prisoner & Guard 1 day 40¢ 80 \$3.00

Constable
 arrest 2 defendants \$ 1.00
 convey 1 to Jail 75
 Travel 30 miles @ 10¢ 3.00

N. Sullens Judgment

\$4.75
 \$4.75
 35
\$8.10

1828

State

as {
John. W. Dick

We hereby
Do's Change the
Dinner

Year
not a trouble
D. J. Smith

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