

Jefferson County Circuit
case file - criminal

December 1860

Box

13

Folder

13

State

VS

Hart, Nicholas

Murder

Change of venue from Franklin
County; killed Anna Hart

State of Missouri
County of Franklin

Be it remembered
that at a Circuit Court began and
held at the Court House in Union on
the 19th day of September 1859 amongst the
proceedings had and entered of record
at said term the following appears
to wit:

Record

State of Missouri
County of Franklin
Be it remembered
that on this nineteenth day of September
in the year of our Lord eighteen hundred
and fifty nine at the Court House in
Union the place appointed for holding
court within and for said County per-
sonally appeared the Honorable John
Astro Judge of the ninth Judicial
Circuit, Daniel S. Gale Circuit attorney
Amos W. Manskin Sheriff and Ed Jeffries
Clerk and by order of said Court the
Sheriff opens Court by making public
proclamation at the Court house door
and thereupon the Sheriff returns here
in Court a panel of twenty seven jurors
out of which the following are selected
as grand jurors to serve at this term

of the Court to wit: Geo W Hawkins who
is by the Court designated as foreman
Wm J Thurman, Robert Patton, Thomas
C Rennie, Wm J Cole, Wilson Johnson
Wm Beasley Julius Emmons J D Backing
John Decker, Wm B Smith, Thomas Watson
James M Bay, Anthony Rucker and
John Evans, fifteen good and lawful
men who being duly elected tried and
sworn well and truly to try within and
for the body of the County and after re-
ceiving their charge from the Court
retire from the bar to consider of their
presentments.

And afterwards to wit: on the 21st day of
September in the year and at the term
aforesaid the following appears of
record to wit:

Record State	{	Indictment for murder
as		
Nicholas East	{	Atro Bill.

Said indictment being in the words
following to wit:

Indictment State of Missouri	{	In the Circuit Court
County of Franklin		
	{	September 9 1859.

The Grand Jurors of the State of Missouri
now here in Court duly empanelled
sworn and charged to enquire within
and for the body of the County of Franklin
upon their oath present that Nicholas
Kart late of said County on the twenty first
day of July in the year of our Lord one
thousand eight hundred and fifty nine
with force and arms at and in the County
of Franklin and State of Missouri in and
upon the body of One Ann Kart in the presence
and there being feloniously wilfully
deliberately & premeditatedly did make an
assault and that the said Nicholas Kart
with both his hands the said Ann Kart
to and against the ground then and
there feloniously wilfully deliberately
and premeditatedly did cast and throw
and that the said Nicholas Kart with
both his hands and feet of him the said
Nicholas Kart, then and there and
whilst the said Ann Kart was so
lying upon the ground the said Nich-
olas Kart in and upon the head
stomach, back, belly, side and pri-
vate parts of the body of her the said
Ann Kart, then and there feloniously
wilfully deliberately and premeditatedly

did strike, beat and Kick, giving to the said Anna Hart then and there as well by the casting and throwing of her the said Anna Hart to the ground as aforesaid as also by the striking, beating and Kicking the said Anna Hart on the head, stomach, back, side, ~~but~~ belly and private parts of the body, of her the said Anna Hart, with both the hands and feet of him the said Nicholas Hart in manner aforesaid several mortal bruises, in and upon the head, stomach back side, belly and private parts of the body of her the said Anna Hart, of which several mortal bruises, the said Anna Hart from the said twenty first day of July in the year aforesaid until the twentieth day of August in the year aforesaid the said Anna Hart at the County of Franklin aforesaid of the said several mortal bruises died, and so the jurors aforesaid, upon their oath aforesaid, do say, that the said Nicholas Hart, the said Anna Hart in manner and form aforesaid feloniously, wilfully, deliberately and premeditatedly did Kill and murder against the statute in such case made

made and provided and against the
peace and dignity of the State of Wisconsin

Daniel S Gale Circuit atty

On the said Indictment is the following
endorsement to wit:

Endorsement State

on Indictment as

Nicholas Hart

Indictment for murder

Strus Bill, G. W. Hawkins Foreman

Witnesses

John Stuart, Mary McBarrow, Mary Hart

Alex. Hart Michael Dunn, Dr Glenn

Alice McNeil, Francis McBarrow

Filed 21st Sept 1854.

C. S. Jeffries Clerk

By E. C. Curtis D. C.

And on the day and year aforesaid
and at the term aforesaid the following
appears of record to wit

Record State

as

Nicholas Hart

until the next term of this Court

{ Indictment for murder
{ continued at the in-
{ stance of defendant

And on the day and year aforesaid
the further following appears of re-
cord to wit:

State

^{vs} Indictment for murder
Nicholas Hart John Stuart, Mary M^c
Barrow, Mary Hart, John Stewart for Ellen
Hart Alice M^c Neil, Michael Dunn and
Francis M^cBarrow each acknowledges
himself indebted to the State of Missouri
in the sum of One Hundred dollars to
be levied against their respective goods and
chattels, lands and tenements, yet upon
condition that if each of them shall be
and personally appear before this Court
on the first day of the next term of this
Court to be begun and held on the first
Monday of April next to testify as witnesses
on the part of the State in the above case
and shall not depart the said Court
without leave then this recognizance
to be void otherwise to remain in full
force.

And afterwards to wit: at the April term
of said Court in the year 1860 and
on the sixth day of said month the
following appears of record to wit:

State

vs

Nicholas Hart

{ Indictment for murder
{ It is ordered by the Court
{ that the sheriff summon
a special venire of thirty six men in
this cause for Thursday the 13th inst

And afterwards to wit: on the 13th day of
April in the year aforesaid the follow-
ing appears of record to wit:

State

vs

Nicholas Hart

{ Indictment for
{ murder
{ Continued

And afterwards to wit, at the September
term of said Court in the year aforesaid
and on the first day of the term
being the 17th of said month the
following appears of record to wit.

State

vs

Nicholas Hart

{ Indictment for
{ murder.
{ Now at this day
comes the Circuit attorney who pro-
secutes for the State in this behalf and
also the said Defendant by his at-
torney and files his affidavit here
in Court for a change of venue in

in this cause for the reason that the in-
habitants of this County are so prejudiced
against him that a fair trial cannot
be had therein which affidavit being
seen and examined by the Court, It
is ordered that the venue in this cause
be changed to Jefferson County
and that the Clerk of this Court
make out and send Certified to the
Circuit Court of the said County of
Jefferson a full and perfect trans-
cript of the record and proceeding,
had in said cause with all the origi-
nal papers filed in said cause and
forming a part of the record.

Said affidavit being in the words
and figures following to wit:

Affidavit State of Missouri
vs Indictment for
Nicholas Cart Murder.
In the Franklin Circuit Mo:

September term 1860
Defendant on his oath says that the
minds of the inhabitants of Franklin
County are so prejudiced against him

that a fair trial cannot be had in his
case. He therefore prays a change of
venue to some other County

Nicholas Hart

Sworn to & subscribed
before me this 17th Sept
1860

E. Bunting Clerk
J. W. Holland Jr DC

And on the day and year aforesaid
and at the term aforesaid the further
following appears of record to wit:

Record State

Nicholas Hart

} Indictment for
Murder.
John Stuart, Alice

McNeil each acknowledge themselves
indebted to the State of Missouri in the
sum of One hundred dollars to be levied
of their respective goods and chattels lands
and tenements. Yet upon condition that
if each of them shall be and personally
appear before the Circuit Court of the
County of Jefferson on the second
Monday of December next to testify
on the part of the State in the above

cause then this recognized to be void
otherwise to remain in full force.

State of Missouri }
County of Franklin } J. E. Butler Jr
Clerk of the Circuit Court within and
for said County do hereby certify that
the foregoing is a true and correct copy
of the record and proceedings had in
the case of the State vs. Nicholas Hart
as the same remain in my Office

In testimony whereof I have
hereunto set my hand and
seal of said Circuit Court
at office in Union this
1st day of October A.D. 1860

J. E. Butler Jr. Clk.

State of Missouri }
County of Franklin }

State }
vs } Indictment for Murder
Nicholas Hart } Venue changed to
Jefferson County }

State - - - - - { Indictment for murder
as - - - - - { Venue changed to
Nicholas Dist { Jefferson County
Free Bill

C. S. Jeffries late Clerk

Indict. 50¢ Recog. writ. 50¢ motion

& continuance 50¢

\$1.50

E. V. Butterfield Clerk.

Motion & continuance 50¢ afft for

change of venue 25¢ Order change

venue 25¢ 6 ex p. \$3.00. Transcript

of removal 1800 words \$1.80 Cert &

real 50¢ 2 oaths 10¢ filing papers 15¢

This fee bill & cert. 75¢

\$7.30

Paul Drey sailor of Franklin County

In Board Prisoner from the 23 Aug

1859 to 9th Dec 1860 inclusive 47 days at 40¢ \$18.80

from Key

.75

Doctors Bill

75.00

Amos W. Maupin Sheriff

Guarding prisoner 1 day & night self

and 1 guard \$100 each, \$200. Boarding

prisoner 1 day \$100. serving 10 writ. \$5.00

calling 15 witnesses 85¢ 75¢

\$8.75

Witnesses at September term 1859.

John Stuart witness 3 day 36 miles

\$3.30

Michael Dunn " 3 " 36 "

3.30

Patrick Dunn " 3 " 36 "

3.30

Francis McBarrow	3 day	36 miles	\$ 3.30
Witness at April Term 1860			
Dr Glenn wit:	1 day	36 miles	2.30
J McBarrow	3 "	36 "	3.30
John Stuart	3 "	36 "	3.30
Michael Dunn	3 "	36 "	3.30
L B Bell	3 "	36 "	3.30
Mary McBarrow	4 "	72 "	7.60
Mary Hart	4 "	72 "	7.60
Alice McNeil	4 "	72 "	7.60
E McLean	2 "	40 "	3.00
J R Lewis	1 "	00 "	.50
Witness at Sept Term 1860			
John Stuart	1 st	36 miles	2.30
Alice McNeil	1 st	36 "	2.30
E McLean	1 st	20 "	1.50
Thomas R Lewis	1 st	00	.50

State of Wisconsin }
 County of Franklin } P. D. E. Butler
 Clerk of the Circuit Court for the
 County aforesaid hereby certify that
 the foregoing is a correct Bill of the
 costs incurred in the case of the State
 against Nicholas Hart as shown
 by the files and papers remaining
 on my office

In testimony whereof I have
to set my hand and affix
the seal of said Court
at Office in Union this
8th day of December AD
1865
E. B. Curtis C. B.

2149

Shaw

as

Robert

Change of

Name to

Jefferson County

Filed Dec 10th 1860

Edwin J. Honey

Clark

Wells Bros. entered

Jan'y 15th 1863

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State of Missouri }
 vs
 Nicholas Hart }

Drum

To A. W. Mangerin.
 Sheriff of Frank. Co. Mo.

To Mileage from Union to Washington	10 miles
" " " Washington " St. Louis	62 "
" " " St. Louis " Victoria	39 "
" " " Victoria " Hillsboro	4 1/2 "
Total	115 1/2

" " 115 1/2 miles @ 10¢ per mile	\$11.55
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" " " " " "	" 11.55
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" 3 days time	" 1.00 " day	" 3.00
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" " " " " "	" 3.00
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" 2 " Board of Prisoners	" " " 2.00
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Total \$ 31.10

A. W. Mangerin

Sheriff of Frank. Co. Mo.

State
 or
 Nicholas Hart
 Patrick Fitzpatrick & P. \$2.85
 C. C. Jones Const: 2.50
 Witnesses before J. P. 3.00

To the Clerk of the Civ. Court
 of Jefferson.

Dear Sir

Should you will
 find the fees before J. P. in the case
 of State or Hart which were omitted
 in the fee bill sent by the Sheriff
 they are not in a proper shape to be
 allowed, but they are as I got them.
 please add them to the former bill
 and oblige

Yours &c
 E. V. Dutcher.

10th Dec 1860—