

December 1860

State

vs

McKIN, Andrew

Herrington, Johnathan

Herrington, John A.

Herrington, Samuel T

Disturbing the Peace of a Neighborhood + rioting

Assaulted Stephen Herrington and Elias B.

Herrington in Pevely; depositions

The State of Missouri
To Sheriff of Jefferson Co or any Constable
thereof Greeting:

Whereas information has this day come
to me J. P. Hesser upon the affidavit of Elias
B. Hemmington that Andrew J. Lakin, Jonathon
Hemmington, John A. Hemmington and Samuel
Hemmington did on the 21st day of August
1860 at the County of Jefferson in the State
of Missouri, riotously assemble for the purpose
of assaulting and beating Stephen Hemmington
and Elias B. Hemmington and did on the
day aforesaid at the County aforesaid
after having assembled for the purpose aforesaid
and in pursuance of said purpose, with
force, riotously and unlawfully as-
sault, strike and beat the said Stephen
Hemmington and Elias B. Hemmington
contrary to the Statute &c.

These are therefore to command
you to take the bodies of them the said
Lakin, Jonathon Hemmington, John A. Hemmington
and Samuel T. Hemmington and bring
them forthwith before me at my office
in Wellsboro to answer the charge of Riot
aforesaid and to be further dealt with
according to law.

Witness my hand & seal this 22nd
day of August 1860.

For J. P. Hesser
Justice of the Peace

Witness for State
 T. B. Hemmington -
 J. H. Hemmington
 J. H. Arnold
 J. M. Blake
 M. Grogan -
 Henry Wright
 Henry Sanborn,
 H. C. O'Leary
 St. M. O'Leary
 Isaac Hemmington

State of Michigan
 vs.
 St. Martin and others
 Debit
 Warrant -
 for
 \$1000.00
 for
 \$1000.00

I Entered the within Brit in
 the County of Jefferson Mo on the
 31st day of August 1866 by taken the
 the within named at ^{St. Louis} ~~St. Louis~~ then
 to the San Court from where
 this writ was issued

Jose R. Hancey
 Constable

State of Missouri }
Jefferson County } p.

Be it remembered that on this
day personally came before me Joseph P. Hesser
a Justice of the peace within and for the State
and County aforesaid Elias B. Herington
who being duly sworn says that Andrew J.
Lakin, Jonathan Herington and John A. Hering-
ton and Samuel T. Herington did on the 2nd
day of August 1860 at the County of Jef-
ferson in the State of Missouri, riotously
assemble for the purpose of assaulting and
beating this affiant and also Stephen Hering-
ton and did on the day aforesaid at the County
aforesaid, after having assembled for the
purpose aforesaid, in pursuance of said pur-
pose, riotously, rautously and unlawfully
beat, assault and strike the said Stephen
Herington and this affiant, contrary
to the Statute in such cases made & provided.
Sworn to & subscribed }
before me this 2nd day } Elias B. Herington
of Aug. 1860. }
Jos P Hesser }
Justice of the peace

State of Missouri }
County of Jefferson.

James H. Stewart
Henry Lanham

The State of Missouri }
M. Frazier Henry Wright
A. McNally

you are hereby
commanded that setting aside all excuses
you be and appear before the undersigned
justice of the peace of central township in
Jefferson county Missouri at his office
in Hillsboro on the 31st day of August
1860 to testify your knowledge in a case
there pending wherein the State of Missouri
is Plaintiff & A. J. Larkin and others
Defendants on the part of the plaintiff
and whereof fail not at your peril
Given under my hand this the 25th day
of August 1860

Jos P. Hesser
Justice of the Peace

I Executed the within writ by Reading
the same in the Presence and hearing
of the within witnesses on the 30th day
of August 1860

Joseph P. Manally
Const

The State of Missouri

vs

James Stewart

M. Frasier

H. Wright

A. McValey

vs Plaintiff

Two for 25

Cons per 180

State of Missouri }
County of Jefferson }

The State of Missouri to

Elias B. Werrington

Stephen Werrington

Spencer Arnold

J. W. Blake, you are

herely commanded that setting aside all
excuses you be and appear before the undersigned
Justice of the Peace of central township in
Jefferson County Missouri at his office
in Willsboro on the 39th day of August
1860 to testify in behalf of your knowledge
in a case there pending wherein the State
of Missouri is Plaintiff. & A. J. Larkin and
others ~~at~~ Defendants on the part of the
plaintiff and whereof fail not at your
peril. Given under my hand this the
25th day of Aug 1860

Vol P Lesser
Justice of the Peace

The State of Missouri

7
John Herrington

Stephen Herrington

John W. Blalock

Speed Arnold

for Plaintiff

Two per 25-

cents per 100

I executed the within writ of Reading
it in the Presence and hearing of
the within named Witness on the
30th day of August 1860

Jeff B. Manages
Constable

the State of Missouri
To William A. Drenin and John Clipter
You are hereby commanded that setting aside
all excuses you be and appear before the
undersigned one of the Justice of the peace
of Central Township in Jefferson County
Missouri at his office in Hillsboro on the
31st day of August 1860 to testify your
knowledge in a case there pending wherein
the State of Missouri is plaintiff and A. S.
Larben and others Defendants. on the
part of the plaintiff and whereat fail not
at your peril

Given under my hand this 29th

~~day of August 1860~~

Jos. P. Heiser

Justice of the peace

I presented the within writ by
reading the same in the presence
and hearing of the within witness
on the 30th day of August 1840

Jesse B. Canale
County Clerk

the State
to
Wm A. Drennon
John Clipstein

In plaintiff

Sum per 25
Court fee 50

Done at

The State of Missouri
To Henry Lanham. Albert Gleason. John
Mc Neil. N. G. Freeman
Greeting,

You are hereby commanded to be
and appear forthwith before me at the Court
House in Hillsboro to testify your knowledge
in a certain cause before me then pending
wherein the State of Missouri is Plaintiff is
Jonathan Herington and others are Defend-
ants on the part of the defendants - & hereof
fail not. Given under my hand this 8th
day of August 1860.

Joseph P. Hesser
Justice of the peace

A. Latham
A. Gleason
John McNeil
N. G. Freeman
For Defendant

I have signed the within by reading the
Hearing of said Affidavit of Gleason and John
McNeil and they are on the 21 day
of August 1860

Sept 25
Const paid 100

Sept 13 Attorney
Const 1

State of Missouri }
County of Jefferson }

Be it remembered, That on the 31 day of August in the year of our Lord 1860 personally came before me J. P. Hesse a Justice of the Peace within and for the County of Jefferson aforesaid ~~John Herrington, Johnathan Herrington, a Laikin~~ ~~Saml Herrington~~ and acknowledged themselves indebted to the State of Missouri that is to say, the said ~~parties~~ in the sum of fifty dollars, and the said Party in the like sum of fifty dollars, to be levied of their respective goods and chattels, lands and tenements upon condition, that if the above bounden parties shall personally appear before me a Justice of the Peace within and for the County aforesaid, then and there to answer a charge against the said for an assault and battery, [or affray, as the case may be,] and shall not thence depart without leave, then this recognizance to be void, otherwise to remain in full force.

Taken and certified, the day and year aforesaid, approved
J. P. Hesse Justice of the Peace.
Saml A Herrington
Johnathan Herrington
A. H. Herrington

State of Missouri

Proceeding for Riot

vs
A. J. Larkin, Jonathan Herrington
John A. Herrington, S. J. Herrington
Portously assembly of Defendants filed by Elias
B. Herrington

August 22nd 1860

Affidavit alleging a

Warrant issued against Defendants with
is directed to the Sheriff of Jefferson County or any
Constable thereof

August 31st 1860

the Constable of Joachim Township returns said
Writ by bringing the defendants before the Court at
the Court House in Wellston. The prosecutor and the
Defendants being ready for trial the Evidence against
and for the Defendants was produced and after hearing
all the testimony and argument of Counsel the
Justice finds that there has been an offence committed
and that there is probable cause to believe that the
Defendants guilty it is therefore considered by the
Justice that Defendants enter into Bonds for the
Sum of \$100 Dollars for their appearance before the
Jefferson County Circuit Court at its next regular
term to be held on the 2nd Monday after the 4th Monday
in November next with Bond is filed and approved
by the Justice

Given under my hand this 5th day
of October 1860

Jos. P. Hesser

Justice of the Peace

2299

State

to { our best

Andrew Jackson

South "Herrington"

The A. Herrington

Sam. S. Herrington

Filed Oct. 3th 1860

Chas. S. Mowrey
Att. Me.

Chad

State of Missouri }
County of Jefferson } ss

Be it remembered that on
the 1st Sept 1860 John Herrington, Johnathan
Herrington, Samuel Herrington & A J Lakin & John Smith
personally came before me J P Hesser a
justice of the peace within & for Jefferson
County and acknowledged themselves to
owe to the State of Missouri that is to
say the sum of one
thousand dollars & the said obligated
thousand dollars to be levied off
of their goods & chattels lands &
tenements to be void on these conditions
Whereas John, Samuel & Johnathan Herring
ton & A J Lakin have been bound over by
J P Hesser JP to appear before the Cir
cuit Court of Jefferson County at its December
Term 1860 to answer a charge of Riot
on complaint of Elias B Herrington Now
if said parties appear before said Circuit
Court at its December Term 1860 to answer
said complaint & not depart the Court without
leave, then this obligation be void, the
reverse to remain in full force
Aug & Sep 1 1860

John A Herrington
Johnathan Herrington
Andrew Lakin

A. J. Herrington

his
John Smith security
mark

approved this 1st day
of Sept. 1860

Jos P Hesser

Justice of the Peace

State of Missouri

against

John A. Herrington Samuel J.
Harrington Jonathan Harrington
A. J. Larkin

} Before J. P. Messer Justice
of the Peace of Central
Township

Depositions of witnesses produced sworn &
examined before me J. P. Messer a justice of
the peace within Jefferson County Missouri
Elias B. Harrington being sworn, & testifies as
follows. Is acquainted with parties. ~~He~~
~~was~~ settled with with Larkin. Agreed to
go to Peru & stay at 2012 until
some time did not see any more
in grocery & asked of Henry to go to
store Ash put back the book due
to deft house - that on Jan 1st
put on over - but ask on money
if he agreed to pay what Mr. L
owed him but he did not settle
any to deft house Larkin & I
Jonathan took to get when near porch
of grocery turned around & went in
John & I went down to deft house. back
in deft John commenced looking over Books
one of the books up to the bank. Jonathan
went to grocery. I went out & saw Sam
Herring & Jonathan talking. I went away
John & I went into grocery, one says
come and you find. While talk with
with Mennally. Mennally says to me
do you see Jonathan & John ~~they~~ ~~are~~ ~~in~~ ~~the~~ ~~store~~

Over to Sep to once. I saw John had
 to Jonathan & Jonathan put it about him. Not
 to report Stephen's name in court. As
 I got on track Jonathan & John. John took
 off his watch & gave to brother-in-law
 John came in & asked me how much
 the account it was for. I said I had to borrow
 paid what John owed him. He went to
 Stephen told him not to say anything
 to anyone. Jonathan on buttoned shirt
 collar, Sep & Joe to went out to
 given report to some witness given
 John receipts for amount of money
 I did it to him ~~then went~~ out of
 the door as I slept one or 2 on
 John on the fire before me & told me that
 I had threatened him with a whip
 before I left the hotel. I said Mr John
 I told you this morning that I was
 an officer & must keep peace says
 he to witness you have threatened me
 since there is no bet time then more
 says I if I was not an officer I
 would show you. Says John by God
 you cannot do it. witness says go
 away at this time Jonathan Herring
 says John that is the way to
 talk it. Jonathan say to witness I have
 always been a friend to you but you
 have been talking about me, & now
 had I dare me to strike you
 witness says to John I am an officer
 & dare not to strike. Jonathan says
 to witness you dare me to strike you

+ see it I don. Jonath put the first
hands on wits. Jonath says you
are a d---d puppy witness says
why did you not tell me before I
was sworn into office. Jonath called
witness a lyar + son of a bitch, when
I would not strike him (John) Jon
th said your brother is a dog + a
bad dand dog + a d---d son of a bitch
at this the witness turned around +
saw Seph coming to where Jonath +
I was. ~~Seph~~ Seph was coming up
steps. Jonath went at him + witness
says I command peace, Jonath --
Seph had the bottle in hand + seemed
to stop + Jonath reached over + stern-
-ch Seph + staggered him. Then cheer-
-ched + I ~~commanded~~ say Seph set down
the bottle. Witness say come Jonath lets
part this. John + I took enough hold
of them + tore the shirt off from witness
+ pulled witness loose from Jonath
+ got loose from them I turned around
+ saw Seph falling back + as he
fallin. Seph struck Jonath with the
bottle. Jonath had hold of Seph at
that time + witness commanded the
peace at this time, then John
threw me a push off from
the platform, when I ran + fell
on platform where James
Stewart sat, when I got on plat-
form I command peace again
some one struck me on back

• after that Laka pushed me off
from platform. called on the fol
th 2nd time I command Squad to
part the. Steva said let the
figh out. I as I jump on plat
-form. John says did you have
no busine to interfere & tend to your
own business. I ~~got~~ left from plat
form I went & commande Aust
Drennin Isan Drenning to help part
the men. the did not do it. as
I got the Stepe says take him off.
Says I men part them. So I & Drenning
pulled Jonatha off. When Jonath had
step down Laka says hurrah my
Jonath & give the h-l. I got on
platform after the men parted & went
to Stepe & asked if he was hurt.
Stepe says no. At this time Jonath
came at ^{the} this time, I command peace
Jonath struck Stepe on side of face
Jonath pulled off shirt & abused us
• I turned to Sam & asked Sam what right
he had to hold me when I was doing
my duty keeping peace. Sam said he
had a right to & struck me. ~~the~~
Jonath came toward me on the
platform & called him names. I
Stepe says come Elia I must go
home. Jonath proposed to me to come
& drink as friends. I said no we
could not make friends on such terms
~~Jonath says~~ Jonath commenced abusing
me again. ~~Jonath~~ first hand on with

should & says by God I tot I his
would be settled to day Jonath
Jonatha followed me up with glass
in hand & abusing me.
Got to Pen at 1/2 past one, got the
1 down before Laker, was no fight
at that time. I saw Laker talking
with Jonath privately before
the difficulty about Dominus.
~~All came over to Defok & Laker~~

Cross Examination -

Laker threaten me... ~~Jonath~~
Let ^{me} witness go & comes to talk to
Steph^{Steph} that the bottle raised as
Jonath approached him or rush
upon him. I went in morning to fortie
Laker to turn his open out in the
range by ~~Steph~~ house. witness told
Laker if he wear not ~~ssd~~ he would
~~whip~~ he dared me. & I told him
if he did not stop his talking
he would ^{get} ~~whipped~~ before he left
the hollow. witness told Steph that
~~he had called Steph a liar~~ Laker
had called ^{me} witness a liar
~~witness said to me~~ Steph asked
me what that then was going to a
mess. witness says to Manzo saying
that if they was going to ^{have a fight} ~~fight~~ they
would have their hands full
witness says that he was sure he did not
catch Jonath by the throat. with
stone the Steph had to the bottle
with him to get our for wife

Witness state that he did not know
that Seph had any weapons
about him or not. That he had
his coat button up. Witness did
not tell Saks that morning that
Steph Step ~~did not~~ ^{would do} any fighting
for me. I told Steph to go
to the Sefor with me to
make a settlement

Man testimony resumed
Jon & Jonath are in a habit of
carrying weapons but did not
have any that day

Elias B. Harrington

E D Huntington
Evidence

Direct

Indirect

Austin during produced some
examined ~~for~~ with Rayth.

I was at home on 21st Aug.
did not see any one talking
together. did not hear any say
anything about whipping Steph &
Elias H. I saw them & another
man together. when I got to
the station house they were
on the ground. I saw Elias run
in John throw him off. I heard
Elias two or three times command
the men. Elias ~~did~~ did not call
on me to pack Steph & ^{or 2 men} John.
I did not interfere. did not see
Larkin as anything. Elias got his
stick out when John jerked him
away. did not tell Elias H. to
say that John intended to whip
Steph.

X X X

I heard loud talking while in the
kitchen. when I came out I saw
Steph with John. John then
did not rush out to ~~John~~ Steph.
did ~~not~~ see the bottle in Steph's
hand. Elias ran in when Steph
was on the ground. did not see
John run in or strike or interfere
in any way. I heard Steph say that
he expected he & John then would
have a fight. it was about twelve.
he said this. Larkin did nothing as I

saw. Stephen said he would not pull
his coat off if he & Jonathan had a
fight.

Reid said not here. Laker should
bring for Jonathan. Did not hear
him quarrelling with Elias. Did
not see any belt. Did not see
Jonathan or John rolling up their
sleeves. When I got there they had
their sleeves rolled up. They had not work.
18 A ^{line} Draining
mark

Stephen Harrington produced, sewed
& examined cap with & sayth.

I left home immediately after dinner.
Had no plot made up with Elias to
whip Stephen. ~~When~~ I went to
Reverly my brother was there. I went to
the grocery. Jonathan came from the
end to the & commenced rolling up his
sleeves. I walked up to Henry Lach
Grocery & when I got there I pointed
draining to John & Jonathan rolling
up his sleeves they came out on the
platform rolled up their sleeves. They
came over to the depot & settled with
Elias. Laker came out of the house
& said to Elias & said you promised
me a whipping before you left the
holland. Jonathan then stepped up to
Elias & said that is the way to talk
Laker. Jonathan said to Elias I had
been a friend to you & struck his fist

in Elias fist. Jonathan then said you
have a brother that is a damned dog
he whipped me when I was sick & he is
a son of a bitch. I said to John
I would not stand that & I started
toward him & grooved at him, just at
that time he grooved me by the throat.
I had my foot on the step. I had a
bottle in my hand & raised it. Elias
then intervened & commanded the
man. I then lowered the bottle. Jonathan
still held me by the throat & struck
me in the head. as I fell on the floor
I struck him in the head with the
bottle. Jonathan came in threatening
attitude towards me about two steps.
~~With~~ his fist clinched. Jonathan struck
me two or three times while I was down.
Laker was following give it to him
Driving & send posted us. As I was
picking up my pocket knife which
had fallen out of my pocket. Jonathan
came rushing at me & struck at me
that me under the eye. When then
took Jonathan away & said you have
done what you wanted to do or you have
done what you ought to do or something
of that kind. Sam caught me by
the shoulder as I supposed because his
hand was out & he had a neck of a
bottle in my hand. Jonathan did not
desist when Elias commanded the man
but kept right ahead. I saw

Jonathan & his son John 14 ~~with~~ ^{at} the
house. I saw Lakem & Jonathan and
consulting two or three times.

Elias told me that he had been
over to see Lakem & that Lakem had
said him consider etc. Lakem said
me. Lakem told Elias when I got
on my horse. I told you this would
be said to day. I told Dring
that I would not pull my coat off
to fight that if they whiped me
they would have to do it with my
coat on. Dring told me that he could
tell me a heap what the boys said
but it was best to say but little.
When I went the John had sleepers
on both sides he went & put on
Stoyn boots on afterwards.

X X X

Did not run up to Jonathan when
he called me a son of a bitch. I was
coming up to him to defend myself. I
was not disposed to take such language.
^{I intended to strike him if he struck me.}
As I started up of the caught me hold of
me by the arm & I pulled away from him.
Elias did not say anything to me
about Lakem abusing my wife.
I told Elias if Lakem told me I was
a damned liar he would not tell me
but more. I told Elias perhaps I
might go down to Perov if my
wife admitted Elias told me to come down
& settle.

John took Jonathan ~~away~~ you away
at the last difficulty. Sam Sam &
hit Elias. Elias said to Sam what right
had you to put your hand on me. &
Sam said as not dare me to strike
you & hit Elias in the back.

Re Croft. I came up to Jonathan to
see what he would do

did not you come up to strike him
when he called you a son of a bitch.

No, sir unless he struck me

Did not expect to stop him from
talking in such manner. I came
up to see if he would strike me
& to let him do it. I took my
bottle from him to get wine for
my sick wife.

Stephen B. Herrington

James H. Stewart

~~James H. Stewart~~ being sworn & testifies as
follows

I was at Fivley the day the riot came
I was sitting on flat for they were
quarrelling. Lakon told Elias that
he threatened to whip me. then he
turned to Steph. I saw Steph strike
~~Jonathan with the bottle~~ ~~the bottle as Jonathan approached~~
him. I saw them clinched. I heard
Lakon bellow hush. I heard Elias
command the peace & called
on me to help keep the peace

Fivley is in Jeffers Co

~~Elias acknowledged~~

J W Blake produced some examin
ed deposits & says

I was present during the fight
at Pruby. Jonathan was talking to
Elias. Steph came running around &
struck at him with a bottle
when I came up. Jonathan was
steph down. I heard Elias coming
the power. They still fought on. Did
not see John do anything. After the
fight was over I saw Sam & Elias
together & Elias told Sam to keep
his hands off of him & I saw ^{steph} ~~struck~~
him in the back.

X X X

I was 30 or 40 yards off
when the fight took place. I only
took two or three minutes before
the fight was over. Did not see
Larkin do anything while the fight
was going on. Elias seemed to be
trying to pull Jonathan off. Did
not hear anything about commencing
the power until the fight was
over. Steph struck Jonathan. Steph
came running at Jonathan when he
struck him with the bottle. They are
not down when the list came over
from the bottle. John pointed them.
I heard Larkin say of him ^{the fight} that he
patted Jonathan on the back while they

was fighting. I saw some one pull
off Elias during the fight. I saw
Jonathan or John one come out with a
glass after drinking.

John W. Blake

men trying to bring moderation about
as follows.

I was not present when the
fight occurred. I was 20 yards off
went over. They commenced to fight
before I got to them. The first I
saw was Steph going towards Jonathan
Jonathan was on the platform. He
was going towards him with a bottle
in his hand. Steph fell over the
on the platform. Did not know
the bottle as he went up right to
Steph, could not say positively but
think Steph had the bottle rather back
of him. Saw Elias among them & think he
commanded the press. Some were hollering
but do not know what it was. Could not
say who parted them. Same slapped Elias
afterwards with his hand. Did not see
John strike anyone. Did not see Larkin
strike anyone. Elias told me that he told
Steph as his two hands were tied to pitch
in or strike him or something to that effect
X X X

I think I saw Jonathan Sam Larkin
drinking together that morning. I saw something
like a fuss being. I saw two or three men
talking together.

It was my informant John I saw Jonathan
put a nail in his pants that he was
preparing for a fight. I could not
say how far he held the bottle.
I saw Elias & Herman & boy sitting
together talking. also Arning & some
one else. Did not see Herman about
the place when the fight was going
on.

Manson & Greaves

Spent Arnold's money & some
sex around deposit with.
The first thing I saw was Jonathan & Elias
standing up talking together. I saw
Steph run up to Jonathan. Jonathan
caught Steph & had him down & Steph
hit him with the bottle. The first kick
I saw Steph hit Jonathan with the bottle.
Did not see John do anything or show
foul play. Did not see Lakai strike
anyone. John was just looking on during
the fight. He did not see Elias say since
the fight ~~started~~ he told Steph to strike
Jonathan. I have had a conversation with
Elias since the fight but he did not
say he told Steph to strike.

The kick Jonathan hit Steph was
after Steph struck him with bottle.
X X X

Grand Elias commenced the process. He
tried to pull Jonathan off but some
one pulled him away. John pulled Elias

away. I saw Jonathan with his shirt
off after the fight. Laker said that
he supposed Elias was coming to Peary at
2 o'clock to whip him. I saw nothing
in Elias & stepped out of the way. Elias
commanded the men & ran up & took
hold of ~~Jonathan~~ ^{Jonathan} once. John pulled Elias
away from porting him ~~there~~. I saw
Jonathan ^{before} after the fight & saw nothing
arriving in them. Did not hear Elias
command the men when Steph ran
up with the bottle. I was about 25-
steps off at that time.

Speed S Arnold

Jonathan. Defendant with oath
was the following statement.

All Defendants refuse to answer.
I did not go over to Joshua to
get him to go to Peorly.

John Harrington makes the following
statement. Laker is driving my team.
Laker came down & said that Steph &
Elias were coming down to Peorly to whip
him. Henry Knight went over to get my
oxen. I told Jonathan to stay & see
Laker not imposed on for he was a
poor man. we were working on the
house. I understood that Steph said he
intended to get things as long as he
could. I could not get anything
because I ~~did~~ not keep my books
right.

Elias dared Luke to strike him. He told Elphie that Steph was a damned rascal &c. Jonathan downed Steph & Elias ran up & I threw him off the platform. He then said "I want the peace". He ran in again & I am pushed him back. I now struck Elias at all. I was talking with Steph & he ran up & struck Jonathan with the bottle & broke it. After Jonathan abused Steph. Steve ran up & struck him with the bottle & broke it & Jonathan downed him.

~~after the~~ As I pulled Jonathan away
I saw Steph pick up his knife off
the platform. I saw a boy knife in
his belt, or a kind of boy knife.
I pulled off my belt & gave it to
Jonathan after the fight was over
he can't be coaxed not keep his vitch
up. Our staves were rolled up & we were
working on the house.

Questions y mas

Larkin told me that Elias & Steph
told me coming over that day to settle.
Larkin asked me if they jumped on him
to see his fair play. I told Jonathan
to stay & not go away & see Larkin fair
play.

John C Lipstine says

I was not present during the fight
on the 2nd Aug. I was at Lakewood

& Elias came then & he accused Larkin
of telling stories between the parties
Elias told Larkin that if he did
not mind he would get a whipping
before he left the hollow. Elias said
steph would do his fighting. he told
Larkin to come to Perry's settlement at
2 o'clock. did not say that steph
would come. This settlement was
a settlement in many a case that
Elias spoke of. John Philipstone

W Lanchan says

The first thing I saw
was Elias & Jonathan were standing on
the platform talking rough. Jonathan
spoke roughly of steven & steven went
to him & as he stepped on the steps he
raised the bottle. Jonathan caught
steven by the shoulder & picked him
down & steven struck him with the
bottle as he fell. This is the first time
I struck.

X X X X

Larkin came down in the morning &
said steven & Elias were coming down that
evening to whip him. I asked John
after the fuss was over what he did with
his watch she said he gave it to H
Wright. I heard Larkin hollow calling
for Jonathan. I saw John push Elias
off the platform. John pulled Jonathan
off of steven & tried to make peace
W Lanchan

John McNeil

I present at the difficulty
Elias & Steve were at about one half
hour before the thing occurred. Elias
said he thought some one would ruin
a difficulty then. He told Steve ~~to~~
to stand & take just a run. He said
they were small men but they had
sprung & would stick to it to the
last. This was five minutes before
the difficulty occurred. I saw that
there was to be a difficulty & I went out
Elias stepped up & said something to Jonathan
just then Steve came up & he stepped
on the platform he struck Jonathan
with a bottle. Elias took Jonathan
by the throat & the shoulder when he was
on Steve tried to pull him off. I was
five or six feet from them. After the
~~fighting was over~~ ^{fighting was over} ~~both held of Jonathan~~ Elias dismissed
the crowd. John parted them. Saw no
fighting after that. John tried to
make peace.

X X X

Said not hear Steve call Jonathan
-an ~~all~~ bad names. Heard nothing
said before the fight. Steve struck
Jonathan with the bottle before Jonathan
touched him.

John H. McNeil

Mr Freeman depositions & such

I saw the fight. I heard the

grooming & then came up & started
Jonathan with the bottle. They commenced
fighting. I saw Elias run in & do
not know what he done. I saw a knife
handle stuck in his trousers pants. Do
not think he had a bell on. Elias came
in asked if Laker had come down
yet & he said Laker was trying to get
up a fup. He said Steve would be
there after a while & that he would
whip Jonathan any day.

X X X.

I did not tell Stephen that this
fight was a one sided thing.

A. G. Freeman

Elias Herrington called again
in Rebuttal on the part of the
state. I commanded the peace
before there was a last stroke. I
did not catch Jonathan by the throat
Stephen Herrington.

I had a knife in my pocket
but did not use it.

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court Dec. Term 20, 1860

The Grand jurors of the State of Missouri, now
here in Court duly empannelled, sworn and
charged to inquire within and for the body of
the County of Jefferson, upon their oath pre-
sent that Andrew Lakin, Jonathan Sherring-
ton, John A Sherrington and Samuel J
Sherrington all late of the said County of
Jefferson, on the twenty first day of August
Eighteen hundred and sixty, with force and
arms at and in the County of Jefferson
aforesaid, unlawfully and wilfully did disturb
the peace of a certain neighborhood, to wit the
Town of Povey, and all the good people thereof,
by loud and unusual noise, loud and offensive
and indecent conversation, and by threatening,
quarrelling, challenging, and fighting,
against the peace and dignity of the State
of Missouri,

Daniel L Hale circuit atty,

In the Jefferson Circuit
Court - November Term
1860

State of Virginia

vs,

Andrew Davis
Jonathan Hemmings
John C Hemmings &
James S Hemmings

Indictment for obstruct-
ing the peace of a
neighborhood

A true Bill

L. P. Mitchell

Proctor

Witnesses

John Hemmings
H. Thomas Hemmings
James Hemmings

Passed on for J. P. Mitchell
December 12th 1860
J. P. Mitchell

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

TO *Eliza Herrington, Step 13 Herrington*
James Stewart

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *circul* Court for the County aforesaid, on the *11th day of June 1861* 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 Mississippi is* Plaintiff and *Andrew Dickinson et al* Defendant on the part of *Plaintiff* 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

26th day of *April* A. D. 18*61*

Eliza F. Honey
Clerk.

de Laureat Book

June Term 1861

Slate

2

Andrew Jackson oral

for Oct

Eliza Hornung Cornell

Sept 13 Hornung to us

Geo Stewart

at
thirty five 56

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Oliver Herrington, Atty. B. Herrington James Stewart*

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

10th day of June 1862 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 *Andrew Jackson et al.* are Defendant on the

part of *Plaintiffs* 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

9th day of *May* A.D. 1862

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1862

State

vs

And. Lakin et al

for Poff

Elias Herrington 18

Step B Herrington 21

Jas Stewart 27

Sheriff Fees 150

Reviewed the within writ by reading
in the records and hearing of Stephen B
and Elias B. Herrington 18th day of
May 1862 also on the 18th day of the
29th day of May J. C. Farver Dec.
Huff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Edwin Hemmington & B. B. Hemmington*
vs H. Stewart

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
13th day of January 1863 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 Mississippi* is
Plaintiff and *Edwin & Arthur Stewart* are Defendant on the
part of *Plaintiff* and herein you are in no wise to fail.

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

with the Seal thereto affixed, at office, this

9th day of *December* A.D. 186 *2*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

January Term, 1863

State

And ^{vs} Larkin et al

for Plff

Chas Harrington
S. B. Harrington
J. H. Stewart

Sheriff Fees \$1.25

2nd day

Of the subject the within writ and
alias, Harrington and an S. B. Harrington
by Recalling the same in their presence
and hearing this 27th day of December 1862
J. H. Stewart not found in my county
This 18th day of January 1863
J. H. Stewart
Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Oliver B. Herington, Esq. Herington &
James H. Stewart*

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 December 1862* 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 *Charles Jackson* is Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

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

with the Seal thereto affixed, at office, this

21st day of *October* A.D. 1862

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Decer. Term, 1862

State
And Larkin et al

For Peff
Elias Herrington
Step Herrington
Jas H Stewart

Sheriff fees \$1.25

I executed the within writ in Jefferson
County Mo by reading in the presents and
hearing of Elias Herrington & Stephen Herrington
about number the 29th 1862
Jas H Stewart not found in my
County

J. C. Jansen Sheriff by C. S. Chas 29th Jan
Jeff. Co. Mo

State

A. J. Lakin. Jonathan Herington
John A Herington and
Sam. J Herington

} Arrested for Riot
Recognized to ap-
pear and answer
an Indictment at the
Next Term for Court 1860
By J. P. Keeper Esq

Free Bill
Joseph P. Keeper, Justice

For affidavit.

\$0.25

" Warrant

" 30

" 24 Spas @ 25¢

1.00

" 10 oaths -

" 50

" 2 Bonds @ 50¢

1.00

" Writing down testimony

4032 words @ 10¢ per 100

4037.28

Constable J. C. McAnnally

Arrest 4 defendants @ 50¢ \$2.00

Serve 14 Spas -

25¢

3.50

\$5.50

William A. Drennon 7 day

0.80

Mr. Clipstein

2.

1.00

2.00

\$14.78

State

13

And Laken et al } Honey Clerk. file 10 pgs 50¢
54 pgs \$1.25 Indict 50¢ cont. 25¢ Nolle 50¢

\$3 10

O Dover, Lerner 4 mts

2 00

J. L. Power, 2 " 1/2 mts 25

1 25

J. B. Lerner, 2 " 1/4 " 25

1 25

J. L. Gale

4 00

Cents before Justice

14 78

\$26.38