

Jefferson County Circuit Court
Case Files - Criminal
March 1861

Box 13 Folder 22

State

v.

Herrington, John A.

Grand Larceny

Stole a rifle gun, 5 gallons of whiskey, and 2 boxes
of oysters from John Henry Lanham's grocery
store in Pevely; deposition

State of Missouri }
County of Jefferson }

This day came personally
before the undersigned Justice of the peace
of said County, John H. Lanham, who
being by me duly sworn, on his oath states
that on the 26th day of February 1861, in the
night time, at the County of Jefferson
aforesaid, his Grocery at Pearly in said
County, was broken into, that is, the door
was opened by false keys, and the
Grocery entered by some person, and
a Rifle Gun, about 3 Gallons, of whiskey
and about two Boxes of oysters, property
belonging to this Affiant of the value
of about fifteen dollars, being therein, was
feloniously stolen and taken away,
- and this affiant has good reason to
believe, and does believe, that John A.
Herrington of said County, did feloni-
ously steal take and carry away the
property aforesaid.

John H. ^{his} Lanham
Dork

Given under my hand this 4th
March 1861

For P. Messer

Justice

State
m.

John St. Warrington

Warrington

Dec 25

The State of Missouri to any Constable of the County of
Jefferson Greeting Whereas John H. Lanham has this
day given information upon oath
to me Jos P Hesser, a Justice of the
Peace within and for the County of Jefferson, that on the
26th day of February 1861 in the night time at the
County of Jefferson aforesaid his grocery at Beverly in
said county was broken into that is the door was
opened with false keys and his grocery entered by some
person and a Rifle Gun, about five Gallons of Whiskey
and about two Boxes oysters Property Belonging to said
John H. Lanham, of the value of about fifteen
Dollars being therein was feloniously stolen and
taken away ~~and this~~ and this he has reason to
Believe and does Believe that John A. Herrington
of said County did feloniously steal take and carry
away the property aforesaid, there are therefore to
Command you forthwith to apprehend the said John
A. Herrington and Bring him before me to answer
the premises and further to be dealt with according
to Law

Given under my hand this 4th day of
March 1861

Joseph P. Hesser
Justice of the Peace

28 10
I return the within writ By bringing the Body
of John A Herrington before Los Plessen Justice
this 5th day of march 1841 Jfse R Manacery
constable

State of Missouri
ss
John A Herrington
Warrant
Jofu 30
Leans fee 100

the state of Missouri to James Nash, Joseph, &
Blake. Henry E. Blake and Frank Stearns you
are hereby commanded to be and appear personally before
me do to Western one of the justices of the peace within
and for Central township in Jefferson County
forthwith at my office in St. Louis in said County
appeared to testify on a trial of a cause wherein
the state of Missouri is Plaintiff and John D
Hewings is defendant. in behalf of the state
and hereof at your peril fail not

Given under my hand this 14th day of March
1861

Joseph D. Western
Justice

Please give the northern note to
James W. Joseph & Blake Henry & Clark
Frank Henry by reading in their hearing
on the 4 day March 1861
Jesse B. Munnery
Congratulate

Can be 100
Lupin 25-
Can be 100

Spa
James Nash
Jas E Blake
Henry Clark
Frank R

the State of Missouri to Lewis Gaden, Henry
Wright, Michael, McAfee, Frank R. Strange
You are hereby commanded to be and appear
Before me, J. P. Hesser one of the Justices of
the Peace of Central Township in Jefferson County
forthwith at my office in Hillboro in said
township, aforesaid to testify on a trial
of a cause wherein the State of Missouri
is plaintiff and John A. Herrington is
defendant on the part of defendant
and hereof at your peril fail not
given under my hand this 4th march
1861

J. P. Hesser, Justice

I have served the within written Lewis Gander
Henry Wright. Frank ~~Straw~~ ~~Straw~~ Michael
McDuff By Reading the same in their
Presence and hearing Jesse B. Canally
Clerk

3-8

done for me

for the 23-

Serving 10 witnesses

30

We John A. Hennington as principal and
Jonathon Hennington
surety are held and firmly bound unto
the State of Missouri in the sum of one
hundred dollars, to which payment
well & truly to be made we bind ourselves
as our heirs, Executors & administrators
firmly by these presents -

This bond is upon the & special con-
dition that whereas the said John A.
Hennington has been arrested & brought
before J. P. Heiser, a Justice of the Peace
& duly convicted by said Justice of
the Peace of the crime of Petit Larceny
now if the said John A. Hennington
shall be & personally appear before
the Jefferson Circuit Court on the first
day of the next regular Term thereof
to be held at St. Louis on the second
Monday after the 4th Monday in May
1861, & not the default said Court with-
out leave, to answer an indictment
which may be preferred against him
by the Grand Jury of said County for
said crime, then this bond shall be void
otherwise it shall remain in full force.

Witness our hands & seals this 2nd of March 1861.

Attest

John L. Thomas

John A. Hennington

Jonathon Hennington
Thomas

LS
LS
LS

approved this march 3th 1861

Los P. Heller. Justice

State

J. A. Henington

Bond

also for 50

Filed Mar 6th 1861

Edw. J. Hickey clerk

We, John W. Lanham, James Nash, and Joseph Blake, acknowledge ourselves to owe to the State of Missouri the penal sum of fifty dollars, to be levied of our respective goods and chattels, Lands and tenements, if we fail in the condition underwritten.

The condition of this obligation is such that, ~~if we~~ shall each of us personally appear before the Circuit Court of Jefferson County, Missouri, to be held at Hillsboro in said County, on the second Monday after the fourth Monday of May 1861, then & there to give evidence before the Grand Jury of said County, on part of the State against John A. Herrington for Larceny, whereof he stands charged before the undersigned Justice of the Peace, and shall not depart said Court without leave of the Court, then this recognizance shall be void, otherwise to remain in full force.

Witness our hands and seals this 3rd day of March 1861

Approved this 3rd March, 1861 J. W. Lanham (Seal)
Justice } Joseph Blake (Seal)
James Nash (Seal)

J. H. Langford.
and others Bond

December 6th

John A. Herrington - I never went into the grocery after the rent had locked up the gro. Elisha Ellis told me to take the gun & keep it & sell it if I could & pay him all over what was ^{due} me. Ellis left the gun in the gro. Mr. Waters came & borrowed the gun & I never saw it any more till I saw it in the gro. Sanborn was not then in the gro. at that time. I did not get the gun away from the grocery. I stated I did not know where the gun was - I said that I heard Sanborn had the gun set to kill people & if that was the case, some one ought to go & break it up. Lewis ~~Hitter~~ Giddy told me that the gun was set towards my window.

Lewis Giddy, being sworn, says, That I saw the gun in the grocery - I saw Jim Cook set the gun twice - It pointed towards John A. Herrington house. I stay with Henry Cleve's ~~house~~ - I was at Herrington's on last Tuesday night - He went to bed before I left. I left after nine I think. I never knew of He. having a key to unlock the grocery. I have been working there about one year & I never knew or heard of He. stealing anything.

Cross. Ex. I told He. last night that Sanborn had his gun set & I never told him before that about the gun.
L. J. Giddy

Henry Knight - says. I live at Peeverly with John Herrington - I was there last Tuesday night - I slept in the

same house but in another room. Saw
Herrington there that night - John H. went to
bed before I did - I got up about daylight - I
have never seen the gun spoken of. Herrington
is a man's man. I have seen H's Keys. He
has Keys for dwelling house -

Cross Ex. I am brother to H's wife - The door
leading from ^{my} room to H's room was shut. He went
to bed about 8, & I went to bed about one hour
afterwards. I don't know whether H. drank
much that day. After going to bed I did not
see H. till next morning. S. C. Wright

Michael ~~McAffee~~ McAvree - says - Her-
rington never told me that he had a Key to open
door of Lanhorn

Cross Ex. - Herrington took the lock off his gun
door - Can't say when. Two locks were on gun &
doors. Two locks were on one door & H. took
one off. I have a Key of H.'s now in my possession
This Key I applied to gun door but don't fit. I
never have seen the lock ~~cat~~ Key which went
to the lock taken off by H. applied to Lan-
horn's door - The lock taken off by H. ^{did not} ~~was~~
^{appear} not of the same kind as that on Lanhorn's door

Michael McAvree

Jonathan Herrington - says - Last Sunday eve

I went down to Pevely & went into John Herrington.
Nash was there - John went off - Jim & I staid.
Jim pulled out a five dollar bill on R. R. ^{Nash said}
don't know how much discount was on it - I am
going to leave here tomorrow.

(Nash was here called back & says that he did
not state to Jonathon Herrington that he intended
to leave the next day after Sunday, but I
did state that I expected to leave soon.)

Jonathon Herrington, states Nash told him that
he intended to leave tomorrow - that it would
cost him money to stay - Henry Sanborn has
got \$15. of mine

his
Jonathon + Herrington
north

State

As

Geo. A. Thompson

Evidence

7700

Nash's testimony

I told Geo Herrington that Mr Lanham had a warrant for two men in that town -

I told him he was one of the men - I told him I was going to leave - I also conversed with him on Sunday - He sent for me - I did not go - He sent for me the second time - Mr Fosley said there was a man at the Shermans' shop who wanted to see me - He whispered to me that the Defendant was the man - I went down - Geo Herrington gave me a sign that he wanted to see me - He asked me to go down to the House & take some whiskey - I went & took a very decent drink - He wanted me then to take a little more - I did not find any serious objection - He said he was going to put Henry Lanham through - He said that Lanham had given some other person a bowie knife to draw on him - I told Mr Lanham I had put a gun in the Grocery, pointed at his door - I told him that he knew who took the gun away, & also he knew where it was at - He said that I have got it where he will not get it again, & set it upon another man - If the gun had discharged, from the position in which I set it, it would miss Herrington's horse about thirty feet - The muzzle of the gun was about a foot or two feet from the door - ~~His House is about ten steps from the Grocery -~~ Geo Herrington's House is about a story & a half high -

He intimated that Lanham had broken his brother's up in the grocery business, & that he was going to break him up -

Crop X I heard him say that Lanham had a gun set in the grocery, & some one ought to go there & destroy it - It was about two weeks from the 26th -

Crop X I have been in Texas since the 10th day of last Oct, I bought the gun from Elisha Ellis - I gave a note, worth about seven dollars, for the gun. I had the gun about a week before I sold to Lanham - I took three drams before I conversed with Herrington -

I told Herrington that he had the gun - He knew the gun was set there - I wanted to find out all I could - I told Herrington that there was a warrant for him to see what he would say - Lanham told me that he would have a warrant out for two men, but never told who they were - Jimmy Close, & Jack Boughton, knew how the gun was set - On Saturday I told it that the door could not be opened, without discharging - Herrington never came in there, when the gun was sitting there.

Joe Blake came there once when the gun was there. Lanham told me that he suspected Herrington - I did not send for Herrington Sunday evening - I told him (Herrington) that I was going to leave - I told him that I was going to leave, in order to see what I could get out of him. I was not Lanham's regular Bar -

Keeper - James A. Cash

Frank Turney Being duly sworn upon Oath
I never heard John Harrington

Henry Clore Being duly sworn upon oath States
Joe Blake asked me to keep Grocery for him till he
went home and told me the key was in the door
he asked if any Body had the key and John pulled Key
out of his pocket and it fell down on the floor
and John said the key belongs to me and would
not let him see it and then as Armin had
the key and then I told Joe Blake to go
Henry Clore

Lewis A.

John A. Harrington Being sworn
don't know where the gun is now - never told Nask
where the gun was ^{nor that I knew when it was} I saw the gun in the jewelry the
day before locked. Nask told me that we would
betoken with a state warrant and wanted my
skiff that he wanted to go to Illinois and then he
would be all right - he told me he wanted
to see me on Sunday. I told Mr Parlee
to tell Jim Nask to come down as I wanted
to see him at the shoemaker shop. he came
down - we met again on Sunday he said
that he wanted my skiff. I told him he could not
have it. ^{he said} It would be more benefit for me than
him - ^{for him to carry} if they caught him they would be damned
smart. When they ~~showed~~ asked me to show the key,
the reason I did not comply was because it was
my privilege - If the key fit that door I did not know it -

James Ash being across Stages - That
 I was at Henry Lauchans Grocery on the
 evening of the 26th at Seven Spots -
 Mr. Blake attended to the Grocery that
 day - Blake left at night, & left the Key
 with me - Lauchan after requested me
 to keep the Grocery for him at night -
 On the 26th I kept the Grocery open ^{until} about
 10⁰⁰ of near that time - Mr. A. Herrington
 was not in the Grocery that night -
 I saw him out on the common when I came -
 I, & Lauchan, & Blake had fixed a gun in
 the Grocery - It was a rifle gun -
 I owed Lauchan some money, & as I could
 not get it, I sold him the gun for a price -
 He was to pay eight dollars for the gun -
 He was to pay me the balance left, after deduc-
 - ting the debt - I ~~helped to~~ fixed the gun on the
 night of the 26th - When Lauchan, & Blake were
 compelled to go home, I kept the Key, &
 fixed the gun after their directions -
 The muzzle of the gun pointed to the door -
 I could not turn the lock, the next morning
 when I came to the Grocery - I found the door
 unlocked, & after I had opened it, I looked in
 & the gun was gone - I went, & got Mrs. Boutman
 Mr. Clare, to go with me to the Grocery -
 Besides the gun, I mislaid one Box of Oysters -
 I had some conversation with Mrs. Herrington
 on Saturday evening following -

John Henry Lanham sworn upon oath States
My grocery is at Pevely Springs in Jeff. Co.
I think on the 26th Jan^y 1861^{Feb.} My gro- door was broken
open - & my rifle gun - 2 boxes oysters & 50 gals.
whiskey were taken out. This was on the night
of the 26th Jan^y 1861^{Feb.} My grocery has been often broken
open. I do not know of my own knowledge of
any one having a key to my door. I never saw H.
in my grocery. The gun worth \$10. I would not
take \$10. for her. The 2 boxes oysters worth \$1.00 The
whiskey was worth \$1.50 per gal there. I stay
about $\frac{1}{2}$ of a mile from Pevely - come down
every morning - never have gotten my gun in
John A. Hennington lives about 60 yards from
my grocery & judge. Never heard him make
any threats - ~~or other the other property lost.~~
X Ex -

This gun was a common rifle gun. J.
Baughton sold Elisha Ellis the gun - I bought
the gun from Jim Nash - I gave eight dollars
for the gun - I did not pay the cash - Nash
owed me the money - He owed me \$8.00 for a
grocery account. The whiskey was rye - some
common - Don't know ^{how} much common whiskey - ^{was taken}
Can't say how long I had the gun then - I think
I had the gun 2 or 3 weeks in the grocery - Can't
say exactly how long. Kept the gun sitting in the
corner in day time - At night I set the gun to
kill the rooster - All this whiskey & have named
was taken on the night of the 26th Jan^y 1861^{Feb.} I don't know
but I have lost since I've been there

200 gals in all ^{have been taken since they been there} I do ~~know~~ I may have lost more
than that - I have been keeping grocery for 7 or 8 mos -
I have no idea who took the whiskey - Sometimes I
buy a barrel of whiskey at a time, sometimes I
buy 2 bbls. The grocery was opened twice after I
set the gun. I don't know exactly whether anything
was taken out. I did not have on hand any
whole barrel - I can't say how much I have.
Can't say exactly how many boxes oysters - I
think about ten. I do not tell know of
the oysters or whiskey that was taken. Joe
Blake - ~~is~~ my bar keeper Jim Nash was
the first man there next morning - Nash
is not my bar keeper - I let him have the
key - Nash has been here some 3 or 4 months.
The string was cut & a part on the door - I had
not been at the grocery that day - I was only
told that the gun was left there - I swear only
to the fact the property missing was my property.
The other facts spoken ^{of} were told me by others.
Rex Let.

The gun was left there the day before the time it was
stolen - that is - on the 25 Feb - & on the morning of the 27
the gun was missing & I have not seen it since -
I also ^{sometimes} attended to the grocery with Blake in day time
& Blake was generally there at night.

Jim Nash also assisted me frequently - since the stealing
commenced - Nash attended tolerably close - Jim
Nash has had the key now for every night for a week.

I H J and W

Joseph Blake, being sworn, states - Ben Kuping grocery
for H. Lonkum at Pevely; recollect of S's rifle
gun being there on the night of the 26th Feb after a week
or 2 before - Did not set the gun on that night -
left the grocery between sun down & dark & gave
Nash the Key; an arrangement was made to set the
gun that night - the gun had been set by Lonkum
before - I decided Nash to set it as usual - We
all think - that is - Lonkum, Nash & myself, had
fixed upon a plan to set the gun - The gun was
so set that the muzzle of the gun was towards the door
when the door opened the gun would fire - The reason
we made this arrangement was because we had mis-
sed things out of the Grocery. I left gro on
the 26th Feb. The gun was there that day I went
to gro next morning - I missed gun, 3 boxes sardines
one box sardines - I supposed the whiskey had been
taken - It was not under the faucet - The gun
left there was a rifle gun - It was Mr. Lonkum's
It was worth \$12.00 - I stayed at Mr. Lonkum's.
I never stayed all night at the gro would stay a
part of the night frequently - If I left before time
to shut up I would leave the Key with James Nash.
John Herrington was in the gro in evening ^{of the 26th} & was drinking
right smart - I don't know that I ever heard him make
any threats towards gro. Herrington wanted me to
go with him & take the goods out into the woods - This
was about the 4 of July last. I don't know of
my own knowledge, about H's, ^{having a key to hit the door} the day after Christmas day
I left the Key in the Grocery An Drenin took the

Key out of the door and when I missed the Key
^{It asked him to let me see it} I asked John if he had the Key ^{he pulled one out of his pocket} he said he did
not I said that it looked very much like it
Mr. Alfred said let me try it John and he would
not do it and jerked the Key away.

the Grocery was opened after we left at night. Since
Christmas on the 27th I got to the Grocery about
8 o'clock

11 don't know how much whiskey was gone
don't know that there was any gone. there was five
Boxes of taters, ~~gone~~ there was 8 in the morning and
3 was taken and one Box of sardines one Box of sar
dines was missing the gun was worth twelve
Dollars I would be willing to give twelve Dollars for
it. Nash has been here some time Nash plays cards for
whiskey never saw him play for money by opening the
door the string could be cut my feelings towards H
is tolerable we are on good terms. I thought the K
ey that John had was the Grocery Key but it was not.
Mr. Drenin took the Key out of the door and gave
it to me. John refused to let me have the Key he
pulled out of his pocket Joseph H. Blake

State
vs
Jno A Herrington }

March 4 1861. John H
Lanham filed a complaint
charging John A Herrington
with breaking into
his grocery at Pevely in
Jefferson Co Mo and
stealing \$15 worth of his
property whereupon a
warrant issued to the Const.

J P Hesser fees
for warrant 25-
3 Subpoenas 75-
2 Recognizances 50-
280 words of evidence 2:52
affidavit 10
\$4.72

Jesse McAnally Const-
for warrant " 1.00
Spa & witnesses " 2.00
\$7.12

able & was returned on the
5th day of March executed
by bringing the body of

defendant before me. The parties then off
and other evidence after hearing of all
of which the justice finds probable
cause to charge defendant with the com-
mission of the offence & recognizes him
to appear at the next circuit Court in the
sum of one hundred dollars upon defend-
ant giving approved security

Witnesses fees

Lewis Gaudin .50
M. McFee .50
F. Stange .50
J E Blake .50
H Lane .50

Witness my hand this 5th March

1861

J. P. Hesser
Justice of the Peace

State

vs

Geo A Hemmings

for Grand Larceny

Filed Mar 6th 1861

Wm J. H. H. Clerk