

Jefferson County Circuit Court
Case Files - Criminal
November 1845, No. 12

Box 16 Folder 46

State

v.

Brockhagen, Henry

Preaching without taking the Loyalty oath

Congregation included: John Hunt, Franz
Neuman, Peter Allis, and Peter Humble

State of Missouri }
County of Jefferson }

Jefferson Circuit Court

November Term 1865

The Grand Jurors of the State of Missouri within and for the body of the County of Jefferson, now here in Court, duly empaneled, sworn and charged, upon their oath present that Henry Brookhagen late of Jefferson County aforesaid on the twelfth day of November one thousand eight hundred and sixty five at ^{the Stone Church, Rock Township} ~~and~~ in the County aforesaid unlawfully did preach, and as a priest of a religious persuasion or denomination, did then and there preach to a congregation of worshipers there assembled to wit John Hunt, Franz Newman, Peter Allis, Peter Humble and divers other persons to the Grand Jurors aforesaid unknown, without, (he the said Henry Brookhagen then and there acting and officiating as a priest of a religious denomination) having first taken subscribed and filed the oath of Loyalty ^{prescribed as required} ~~prescribed~~ in Section ^{six} ~~nine~~ Article second of the Constitution ^{of the State of Missouri} and ~~the~~ which said oath is in terms and words as follows.

I A.B, do solemnly swear, that I am well acquainted with the terms of the third section of the

second article of the constitution
of the state of Missouri, adopted
in the year eighteen hundred and
sixty five, and have carefully
considered the same; that I
have never directly or indirectly
done any of the acts in said
section specified. that I have
always been truly and loyally on
the side of the united states against
all enemies thereof, foreign and
domestic; that I will bear true
faith and allegiance to the
United States; and will support
the Constitution and laws thereof,
as the supreme law of the land,
any law or ordinance of any
state to the contrary notwithstanding;
that I will, to the best of my ability
protect and defend the union of
the United States, and not
allow the same to be broken up
and dissolved, or the government
thereof to be destroyed or overthrown
under any circumstances, if in
my power to prevent it, that I will
support the constitution of the state of
Missouri and that I make
this oath without any mental
reservation or evasion, and
hold it to be binding on me

which said oath, he the said
Henry Brockhagen as a
preacher of a religious persuasion
or denomination ~~the same being~~
~~a position or trust~~ was required
to take subscribe and file in
the office of the County clerk of
Jefferson County Missouri within
sixty days from the date that
the aforesaid Constitution took
effect by the provisions of section
nine of Article Two of the aforesaid
Constitution of the State of Missouri
against the peace and dignity of
the State

David Murphy
Circuit Attorney

2012

State

20

Henry Breckin

Preaching without
taking the oath of
allegiance

Wich

John Hunt

Young Newman

Peter Allen

Peter Humble

Alice Hill

Anton Vogel's family

State of Missouri { In the Circuit Court of Jefferson
County of Jefferson, County Missouri

The Grand Jurors of the State of Missouri now here
in court duly impannelled sworn and charged to
inquire within and for the body of the County of Jeff-
erson upon their oath present that Henry Brokhagan a
Minister of the Gospel late of the County of Jefferson
aforesaid on the ~~thirtieth~~ day of May eighteen hun-
dred and sixty six with force and arms at and in
the County of Jefferson aforesaid on the ~~thirtieth~~ day of
May eighteen hundred and sixty six aforesaid un-
lawfully willfully corruptly maliciously and wickedly
did preach to an audience then and there assembled by
the said Henry Brokhagan then and there acting as an-
usually licensed or ordained Minister of the Gospel
without having taken subscribed and filed the oath of Loy-
alty required to be taken subscribed and filed by the
sixth section of article second of the Constitution of the
State of Missouri ratified voted for and adopted on
the sixth day of June eighteen hundred and sixty five
and by proclamation of the Governor declared to be adopted
and to take effect on the fourth day of July eighteen hun-
dred and sixty five prescribed in the sixth section of
the second article of the Constitution of the State of Missou-
ri aforesaid required to be taken subscribed and filed
as aforesaid after the expiration of sixty days after the
Constitution of the State of Missouri aforesaid takes ef-
fect as aforesaid contrary to the form of the Constitution

in such case made and provided and against the peace and dignity of the State of Missouri

And the jurors aforesaid upon their oath aforesaid do further present that Henry Brookhagan late as aforesaid on the thirteenth day of May eighteen hundred and sixty six at and in the County of Jefferson aforesaid (He the said Henry Brookhagan being then and there a minister and not being competent as a bishop priest deacon minister elder or other clergyman of any religious persuasion sect or denomination by reason of his failing to first have taken subscribed and filed the oath of Loyalty as aforesaid prescribed in the sixth section and the second article of the constitution of the State of Missouri as aforesaid as required by the ninth section and second article of the constitution aforesaid on the thirteenth day of May eighteen hundred and sixty six as aforesaid after the expiration of sixty days after the Constitution aforesaid took effect as aforesaid and without having first taken subscribed and filed the oath of Loyalty aforesaid in said section nine of Article second of said Constitution required to be taken subscribed and filed as aforesaid he the said Henry Brookhagan then and there being a minister as aforesaid did unlawfully corruptly willfully and wickedly preach to a congregation of People then and there being assembled to hear the Gospel preached contrary to the form of the constitution in such case made and provided and against the peace and dignity

of the State of Wisconsin

J. A. Pugh
Circuit Attorney for Term

2409
State

22192

Henry Bookhagan

Deceasing
Peter Speck
Frank G. Ginn

Indictment

Witness

A true bill

John W. Sullivan

Foreman

Filed June 19th 1866.
Sam. A. Rippey Clerk

Captain Crowe

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take *Henry Brockhagan*
if he be found in your County, and *him* safely keep, so that you have *his* body before the
Honorable Judge of our Circuit Court *forthwith*
at Hillsboro, within and for the County of Jefferson, then and there to answer unto an Indictment
found against *him* by the Grand Inquest for the body of the County of Jefferson, for *preaching*
without taking the oath of Loyalty
contrary to the form of the Statute in such case made and provided, and against the peace and dignity
of the State.

WITNESS, SAMUEL A. REPPY, Clerk of our said Circuit Court,

with the Seal thereof hereto affixed, at Office, this
Seventh day of *November*

A. D. 186*6*

Samuel A. Reppy
Clerk Circuit Court.



I executed the within Capias in the County
of Jefferson State of Missouri on the 8th day
of November 1866 by taking the body of Henry
Brockhagen before the Hon^{ble} Cir Court

C. C. Fletcher
Sheriff



State
vs } Capias
Henry Brockhagen

C. C. Fletcher
Sheriff fee \$1.00