

Jefferson County Circuit Court
Case file - criminal

March 1860

Box

17 File 4

State
VS

Smith, Thomas D.

Mayhem

Put out the right eye of
John Murphy

State of Missouri } ss
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 empanelled sworn and charged upon their oath present that Thomas ~~W~~ Smith, late of the County of Jefferson aforesaid on the fourth day of July eighteen hundred and sixty five at and in the County of Jefferson aforesaid in and upon one John Murphy in the peace of said State then and there being did make an assault, and that he the said Thomas ~~W~~ Smith feloniously on purpose and of his malice aforethought did then and there put out the right eye of him the said John Murphy with intent to maim and disfigure him the said John Murphy contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State

David Murphy
Circuit Attorney

vs
State

vs
Thomas Smith

Mayhem

vs

Fred Makee

James Makee

John M. Goe

E. H. Howard

vs
Lucy Will

Simon George Jorman

Filed Nov 22 1865,

Saml. A. Ripley Clerk

State

vs

Henry grub

William H. Washburn

being sworn States on oath

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

Thomas Smith

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 *on The Second Monday in May 1866*, 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 *Mayhem*

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

Fourth day of *December*

A. D. 1866,

S. A. Reppy

Clerk Circuit Court.

I execute this Capias in the County of
Jefferson State of Missouri on the 18th day
of Dec 1865 by arresting Thos Smith and Receiving
his bond who on the 18th day of Dec 1865 Entered into
~~his recognizance~~ before the County Court for five
~~hundred dollars~~

C. C. Fletcher
Sherriff

Fletcher Sherriff 1865
Bond

Thomas Smith

State of Missouri }
County of Jefferson }

Be it remembered that, on the 18th day of December 1865, Thomas O. Smith, of said Jefferson County, and James Smith and John Smith of said County, Came personally before the County Court of said County, and acknowledged themselves to owe to the State of Missouri, the sum of five hundred dollars, To be levied of their respective goods and chattels, lands and tenements, if the said Thomas O. Smith shall fail in the Condition underwritten.

The Condition of this recognizance is such, that if the above bounden Thomas O. Smith, shall personally appear at the Circuit Court, on the first day of the next Term thereof, to be holden for the County of Jefferson aforesaid, on the Second Monday of May 1866, then and there to answer an indictment preferred against him by the Grand Jury of said County for mayhem, whereof he stands charged, and shall not depart the same without leave of the said Court, then this recognizance to be void, otherwise to remain in full force,

Witness our hands & seals this 18th day of December 1865.

Attest Wm. McMullin
" Wm. McMullin
" Wm. McMullin

Thomas O. Smith ^{his} (Seal)
James Smith ^{his mark} (Seal)
John Smith ^{his mark} (Seal)

Taken and approved this 18th day of
December 1865 by the Jefferson County Court.

State of Missouri
Jno. O. Smith

Filed Dec 18/65
Wm. W. Mullin
Filed March 7th 1866
Saml. A. Epply Clerk

To the Honorable the County Court of Jefferson
County, Missouri;

The undersigned petitioner Thomas C. Smith
would respectfully state that at the November Term 1865
of the Circuit Court of Jefferson County aforesaid an
Indictment was found against him for mayhem and that
on the 4th day of December 1865 a capias was issued by
the Clerk of the Circuit Court of said County against
the undersigned commanding the sheriff to arrest him
to answer said criminal charge so preferred against
him, & by virtue thereof the Sheriff of said Jefferson County,
G. C. Fletcher arrested your petitioner & now holds
him in custody restrained of his liberty.

Your petitioner therefore prays your honorable
Court to grant him the benefit of the writ of Habeas
Corpus, that your petitioner may be brought before
your Court & be permitted to give such bail as
your honors may deem just & right & that he
may thereupon be discharged from further restraint

Thomas C. Smith
Thomas C. Smith makes oath and says the
above petition & the matters therein as stated he believes
to be true

Sworn to & subscribed before me this 18th day
of Decr. 1865

W. M. Mullin
Clerk Jeff. Co. Court

State
of
Missouri
Thos. C. Smith

Petitioner for writ of
Habeas Corpus

Order of the Court.

State of Missouri } An Indictment for mayhem
Thomas O. Smith } Now at this day comes Thomas
O. Smith & presents his petition for a writ of Habeas
Corpus which petition is granted & a writ issued
by the Court & the said Smith appearing in Court
and the cause coming on to be heard, it is ordered
by the Court that he enter into bond for his appearance
at the next Term of the Circuit Court of St. Louis County
in the sum of five hundred Dollars, which bond
is here filed & approved by the Court.

State of Missouri } By the Habeas Corpus
County of Jefferson } Act

The State of Missouri to the Sheriff of the County
of Jefferson Greeting;

You are hereby commanded
that the body of Thomas O. Smith now under your
custody detained as it is said under safe and se-
cure conduct, together with the day and cause of his
being imprisoned or detained, you have before our said
Court at the Court House in Hillsboro in St. Louis Jeffers-
son County forthwith to do and receive what
shall then & there be considered concerning the said
Thomas O. Smith so detained as aforesaid & as
hereof fail not at your peril.

Writ of
Habeas Corpus

L. J. B. Witness R. W. McMullin Clerk of the County Court
of St. Louis County with the seal of St. Louis Court hereunto affixed
This 18th day of Decr 1865 R. W. McMullin Clerk

Return by Sheriff
on writ,

In obedience to the within order I did bring ^{you} Thos O
Smith before the Hon, County Court Judges, this 11th day
of Decr, 1865

Wm Fletcher Sheriff

State of Missouri }
County of Jefferson } Secy

I, J. H. McMullin Clerk of
the County Court within and for the County of Jefferson
aforesaid, hereby certify that the foregoing is a full
true and correct copy of the Record and papers on file in
my office in the case of State vs Thos O Smith.

In Testimony Whereof I hereunto
set my hand, & affix the seal of said
Court at office in Hillsboro this 7th
day of March A.D. 1866

W. H. McMullin Clerk

No 2

Dec 20 86

Wm D Smith

Wm D Smith's debt to me
paid 25 Oct 1886 \$3.00

RECEIVED
JAN 10 1887
Wm D Smith

Given March 3rd 1886,
Saml A. P. Webb