

Jefferson County Circuit Court
Case Files - Criminal
November 1866

Box 18 Folder 3

State

v.

Gibson, William

Preaching without taking the Loyalty Oath

State of Missouri } In the Circuit-Court of
County of Jefferson } Jefferson County Missouri

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 Jefferson
upon their oath present that William
Gibson 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 eigh-
teen hundred and sixty six aforesaid
unlawfully willfully corruptly maliciously
and wickedly did preach to an audience
then and there assembled in the said
William Gibson then and there acting as a
regularly licensed or ordained Minister of
the Gospel without having taken subscribed
and filed the oath of Loyalty required to be
taken subscribed and filed by the ninth
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

hundred and sixty five prescribed in the sixth section of the second article of the Constitution of the State of Missouri 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 effect as aforesaid contrary to the form of the Constitution and statute 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 William Gibson late as aforesaid on the thirteenth day of May eighteen hundred and sixty six at and in the County of Jefferson aforesaid the said William Gibson 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 by the
said William Gibson 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 and Statute in such case
made and provided and against the
peace and dignity of the State of Missouri

J. H. Pugh
Circuit Atty. Geo. Lem.

State

of

Mass 1844
William Wilson

Proceeding

Witness

Sullivan & Hayes
J. M. Joe

A True Bill

Jno. W. Sullivan
Foreman

Filed June 19 1846.
Saml. H. Ripley Clerk

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

William Gibson

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 12th day of November 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 *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

Sixteenth day of *July*

A. D. 186*6*

Saml. A. Reppy

Clerk Circuit Court.



I Executed the within *Capias* in the County
of Jefferson State of Missouri on the 2^d day of
Nov 1866 on *Wm Gibson* by taking him before the
Hon Judge of 15 Judicial Circuit

C. C. Fletcher
My *Pro* William
Sheriff
Only

William Gibson

Pro William 100



If the Jury believe from the evidence that Defendant at or in the County of Jefferson Missouri between the time of the finding of the indictment and sixty days after the fourth day of July 1865 did as a Minister, elder or clergyman of any religious persuasion or denomination or sect preach the Gospel without first having taken, subscribed and filed the oath of loyalty prescribed in the 6th Sec. of the 2^d Article of the Constitution of the State of Missouri, they will find the defendant guilty and assess his punishment by fine not less than five hundred dollars or by imprisonment in the county jail not less than six months or by both such fine and imprisonment.

The Court instructs the jury that before
they can convict under this indict-
ment the State must prove that
the said Gibson has not filed
in the office of the Clerk of the
County Court, ^{of Jefferson} the oath of loyalty

we the Jury find the defendant not guilty
as charged in the indictment.

Thomas Hankins Foreman