

Jefferson County Circuit Court
Case file - Criminal

Box

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10

November 1866

State

vs

Mahalia, Lloyd

Preaching without taking oath of loyalty

Change of venue from Franklin County

State of Missouri } 33
County of Franklin } Be it remembered that at a reg-
ular term of the Franklin circuit court begun and
held at the court house, in Union, on the first Mon-
day of April A.D. 1866. in and for the county and
State aforesaid. There were present Hon James H.
Cwene Judge of the Ninth Judicial Circuit of Mo.
Julius Wilhelm Sheriff. Amos W. Maupin Clerk
and David Murphy Circuit Attorney, and who
having refused to draw up indictments and to
prosecute in certain State cases. The court on the
26th day of April of said year. It being the 15th day of
said term, appoints John W. Pugh circuit attorney
Pro tem. to draw up indictments and to prosecute
in certain cases wherein said circuit attorney ^{David Murphy} refused
to prosecute

The Grand Jurors empanelled sworn
and charged for said term. to inquire within and
for the body of the county of Franklin on the thir-
teenth day of said month and year. return into open
court among other proceedings with a certain in-
dictment, which said indictment is in the words
and figures following. to wit:

State of Missouri } In the Franklin Circuit Court
County of Franklin } April Term A.D. 1866

The Grand Jurors of the State of Missouri
now here in court duly empanelled sworn and
charged to inquire within and for the body of the

County of Franklin upon their oath present that Loyd Mahania a Minister of the Gospel late of the county of Franklin aforesaid on the eighth day of April eighteen hundred and sixty six. with force and arms. at and in the County of Franklin aforesaid on the eighth day of April eighteen hundred and sixty six aforesaid. unlawfully wilfully corruptly Maliciously and wickedly did preach to our audience then and there assembled he the said Loyd Mahania then and there acting as a regularly licensed or ordained Minister of the Gospel. without having first 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 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 Loyd Mahania late as aforesaid. on the eighth day of April eighteen hundred and sixty six. at and in the County of Franklin aforesaid.

He the said Loyd Mahama 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 failure to first have taken subscribed and filed the oath of Loyalty as aforesaid prescribed in the sixth section and 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 eighth day of April 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 & filed as aforesaid he the said Loyd Mahama then and there being a minister as aforesaid did unlawfully corruptly wilfully 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 Missouri.

J. N. Pugh

Circuit Attorney Pro tem

And upon said indictment are the following endorsements in the words and figures following, to wit:
No 13 State vs Loyd Mahama Witness W. E. Joiner, W. J. Greenstreet, Martin Laugh, Thomas Phillips, A True

Bill. Amos J. Foster Foreman. Filed April 30th
1866 J. W. Maupin Clerk

And on the day month and year last aforesaid, at
the said Circuit Court the following appears of records
to wit:

State

^{vs} } Indictment for preaching without ta=
Loyd Mahani } king oath of Loyalty. A true bill
Capias Awarded

Which said Capias is in the words and figures fol-
lowing to wit:

The State of Missouri } ss
County of Franklin }

To the Sheriff of Franklin County - Greeting
We Command you to take Loyd Mahania if he be
found in your bailiwick, and him safely keep, so that
you have his body before the Honorable Judge of the
Franklin Circuit Court, in the town of Union within
and for said County of Franklin, forthwith. Then and
there to answer an indictment found against him by the
Grand Inquest of the State of Missouri, for the body
of the County of Franklin, 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; and
have you then and there this Writ with you

return thereon how you execute the same

L & D

Witness Amos W. Maupin, Clerk of our
said Court, with the Seal thereof
hereto affixed. at office in the
town of Union, this 31st day of
April. in the year of our Lord. eigh-
teen hundred and sixty six

Amos W. Maupin Clerk

And upon said Capias is a certain Sheriff's return
in the words and figures following to wit:

Executed the
within ~~command~~ in Franklin County Mo. this the 27th
day of August 1866 by taking the body of said Lloyd
Mahania and have him now in my custody, who
bond for his appearance before court on the first day of
next term thereof, given as the law requires, is hereby
annexed and makes a part of this return
fee \$2.25

Jub. Wilhelm Sh
By Wm. Keles D. S.

Which said bond is in the words and figures fol-
lowing to wit:

Attachment Bond

I know all men by these presents, That I Lloyd Ma-
hanie as principal, and

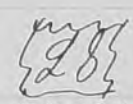
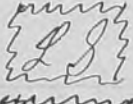
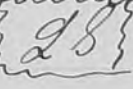
as securities, are held and
firmly bound unto the State of Missouri, in the

sum of Five hundred dollars dollars lawful money of the United States, for which we bind ourselves our heirs, executors and administrators firmly, jointly and severally with these presents, sealed with our seals, and dated this 27 day of August 1866.

The condition of the above bond is such, whereas, there has been issued from, the circuit court of Franklin County, Missouri a Capias against the above-named Lloyd Mahanay, on an indictment for preaching without taking the oath as required by law, to be and appear before the circuit court of said county, on the 1st Monday of October next.

Now if the above-named Lloyd Mahanay shall well and truly report himself before the Judge of said Court on the day above-named, and shall not depart said Court without leave therefrom, then this bond to be null and void; otherwise to remain in full force and effect.

Given under our hands and seals, this, the 27th day of August 1866

L. M. Mahanay 
William E. Williams 
W. J. Granstreet 

Approved this, the 27 day of August 1866

Jul Wilhelm Sheriff
By Wm Kelso D. J.

And afterwards, to wit: at the October term of the said circuit court, and year aforesaid, and on the

second day of said month and year the following appears
of record, to wit:

State
vs
Loyd Mahanua } Indictment for preaching without taking
oath of Loyalty.
Application for change of venue filed

Which said application is in the words and figures follow-
ing, to wit:

State of Missouri
County of Franklin ss.

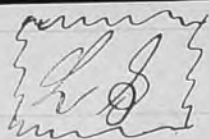
In the Franklin Circuit Court

Oct. Term 1866

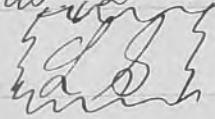
State
vs
Loyd Mahanua } Indictment for Preaching without
filing oath

Loyd Mahanua. the
defendant in the above entitled cause states that
the minds of the inhabitants of the county of Frank-
lin are so prejudiced against him, the defendant
that a fair trial cannot be had therein and
asks the court to make an order, removing the
case to some county within the circuit where such
prejudice does not exist.

Loyd Mahanua. the defendant makes and
says the matters and things as stated are true
Sworn to & subscribed before }
me this 2nd day of Oct 1866 } M Mahanay



Thos Crow Notary Public

We the undersigned, two creditable witnesses residents of the county of Franklin, State aforesaid hereby testify & state under oath that we believe the facts stated in the above motion are true,
Sworn to & subscribed before me Geo W. Hawkins
this ~~2nd~~ ^{2nd} day of October 1866 } W. J. Greenstreet


Thos Crow Notary Public

And upon said application for a change of venue are the following indistigents. in the words and figures, following to wit: State vs Lloyd Mahania, ^{taking oath} Indictment for preaching without, filing oath
Application for change of venue, Filed Oct 2nd 1866 A. W. Maupin Clerk

And on the day, month and year last aforesaid, at the said circuit court the following appears of records to wit:

State
vs
Lloyd Mahania } Application for a change of venue filed

State
vs
Lloyd Mahania } Preaching without taking ^{the} oath of Loyalty

Loyd Mahania as principal and John G Bowen
and Wm J. Greenstreet as securities acknowledge them-
selves ^{jointly} indebted to the State of Missouri in the sum
of Five hundred dollars to be levied of their respective
goods and chattels, lands and tenements. Yet upon con-
dition that if the said Loyd Mahania shall be and
personally appear on the first day of the next term
of the circuit court of Jefferson County to be begun
and held at the court house in Hillsboro. on the sixth
Monday after the fourth Monday of March next
there to answer the State of Missouri on an indict-
ment for preaching without taking the oath of Loyalty,
and shall not depart the said court without leave,
then this recognizance to be void, otherwise to remain
in full force and effect

State

vs

Loyd Mahania } Indictment for preaching without
taking oath of Loyalty

Thomas Phillips acknowledges himself indebted to
the State of Missouri in the sum of Five hundred dol-
lars, and Wm E. Pomer, John G Bowen and
Wm J. Greenstreet, each in the sum of One hundred
dollars to be levied of their respective goods and chattels
lands and tenements. Yet upon condition that if they
shall be and personally appear on the first day of the
next term of the circuit court of Jefferson County,
to be begun and held at the court house, in Hills-
boro, on the sixth Monday after the fourth Monday

of March next. there to testify on the part of the State, in the case of the State of Missouri against Lloyd Mahama, on an indictment for preaching without taking the oath of Loyalty, and shall not depart the said court without leave then this recognizance to be void, otherwise to remain in full force and effect

State
vs
Lloyd Mahama } Indictment for preaching without taking
the oath of Loyalty

Now at this day comes the said defendant, by his attorney, and files here in his affidavit for a change of venue in this cause to some other County in this Circuit for the reason that the minds of the inhabitants of Franklin County are so prejudiced against him that a fair trial cannot be had therein, which said affidavit being seen examined and fully understood by the court. It is ordered that the venue in this cause be changed to the County of Jefferson, and that the clerk of this Court make out and send certified to the circuit Court of Jefferson County a full and perfect transcript of the records and proceedings had in said cause, together with all the original papers filed in said cause and forming a part of the record

The following fees have accrued in said cause in this court. (Franklin Circuit)

	Amos W. Maupin Clerk	Dob	cts
April term 1866	To filing one paper		5
	" Issuing & filing Capias	1	50
Oct term 1866	" Issuing 4 Writs 25¢ each	1	00
	" Certificate to Aff. on claims of 4 Wits 15¢		60
	" Entering and filing motion for change of venue		20
	" Taking & Entering recg of Prisoner		50
	" Taking & Entering recognizance of all prisoners		50
	" Order of Change of Venue		35
	" Docketing Each docket 5¢		10

	Julius Wilhelmi Sheriff		
	To serving and returning Capias and taking and appearing bond	2	25
	" Calling 4 Wits 5¢ each		20
	" " parties		30

	Witnesses before circuit court		
	W. J. Greenstreet 1 day 24 miles	2	92
	Thomas Phillips 1 " 24 "	2	92

	Went for	for	\$	cts
Martin Laugh	1 Day	24 miles	2	92
W. E. Diner	1 "	30 "	5	00

State of Missouri } ss
 County of Franklin } I Amos W. Maupin Clerk of the
 Circuit Court within and for the county and State aforesaid
 do hereby certify that the above and foregoing is a true, full
 and perfect transcript of the record and proceedings had in
 the cause aforesaid: and of the original papers on file
 in said cause, as the same appear of record and on
 file in my office. And I further certify the above bill
 of costs to be the fees accrued in said cause so far
 as the same have been returned to me

In Testimony Whereof, I have hereunto
 set my hand and seal of said cir-
 cuit court, at office, in Union, this
 7th day of November A. D. 1866
 Amos W. Maupin Clerk

State of Missouri
vs
Capt John Brown

2867

Indictment for Breaching
without taking oath of
loyalty

Charge of some trans-
gressions from 1858 to
Jefferson Co. Mo.

Filed Nov 14 1866.

Daniel W. R. R. R.
D. W. R.

State of Missouri }
Jefferson County. } The State of Missouri
to the Sheriff of Franklin County. Greeting;
Whereas, at the April Term of the Circuit
Court of Franklin County 1866, Lloyd Mahania
as principal, and John G. Boner, and William
Greenstreet, as securities in open court, acknowledged
themselves each to owe the State of Missouri the
sum of Five Hundred dollars to be levied of their goods
and Chattels, Lands and tenements, upon the con-
ditions that if the said Lloyd Mahania
shall personally be and appear before the Circuit
Court for the County of Jefferson on the first
day of the next term thereof to be begun and held
on the Sixth Monday, after the fourth Monday
of March next, and from day to day and
from term to term and not depart said court
without leave thereof, as appearing to us of record,
And afterwards, at the May Term 1867, of the Circuit
Court of Jefferson County, aforesaid to wit: on
the Sixth day of May 1867, the said Lloyd
Mahania being solemnly called to come into
court according to the tenor of his bond, comes
not, but makes default, John G. Boner, and
William Greenstreet, as securities, although severally
solemnly called to bring into court the body of
the said Lloyd Mahania, according to the
tenor of said bond, bring him not but make

default as appears to us of record and the said sum of Five hundred dollars by the said Lloyd Mahania, And the said sum of Five hundred dollars each by the said John G. Berren & William Greenstreet remains to be levied, You are therefore ^{hereby} commanded that you summon John G. Berren and William Greenstreet, that they severally do, and appear before the judge of our Circuit Court, at a court to be begun and held at the Court House in the Town of Hillsboro for said County of Jefferson on the sixth Monday after the Fourth Monday of September next to show cause if any they have why the said sum of Five hundred Dollars each so by them aforesaid in form acknowledged ought to be levied of their goods and chattels Lands and tenements according to the form of this acknowledgment aforesaid and have you then there this writ,

In witness whereof Elias P. Honey Clerk of the Circuit Court have hereunto set my hand and seal of said Court at office in Hillsboro this July 1st. 1867.

Elias P. Honey Clerk,
By C. Tho. Norine D. C.

In the Supplement to Count
Ferdinand's Memoirs 1867

State

no.

John W. Brown et al,

See also
on

Providence

See also
on
Providence
(Leave this copy in the)

" State of Missouri }
Jefferson County } The State of Missouri
to the Sheriff of Franklin County. Greeting.
Whereas, at the April Term of the Circuit
Court of Franklin County 1866, Lloyd
Mahania, as principal, and John G. Dorron
and William Greenstreet, as securities, in
open court, acknowledged themselves, each to owe
the State of Missouri, the sum of Five hundred
dollars, to be levied off their respective goods
and Chattels, Lands and tenements, upon
the condition, that if the said Lloyd Maha-
nia shall personally be and appear before
the Circuit Court for the County of Jefferson
on the first day of the next term thereof to be
begun and held on the Sixth Monday after
the fourth Monday of March next, and
from day to day and from term to term, and
not depart said court, without leave thereof
then this recognizance to be null and void
as appearing to us of Record, And after-
wards at the May Term 1867 of the Circuit
Court of Jefferson County aforesaid to wit
on the Sixth day of May 1867, the said
Lloyd Mahania being solemnly called to come
into court according to the tenor of his bond,
comes not, but makes default, John G. Dorron
and William Greenstreet, as securities, although

severally solemnly called to bring into court
the body of the said Lloyd Mahanian, ac-
cording to the tenor of said bond bring
him not but make default as appears to
us of Record and the said sum of Five
hundred dollars by the said Lloyd Mahanian
And the said sum of Five hundred Dollars
each by the said John G. Borren & William
Greenstreet remains to be levied. You are
therefore ^{hereby} commanded that you summon John
G. Borren and William Greenstreet, that they
severally be and appear before the judge of our
Circuit Court, at a court to be begun and
held at the Court House in the Town of
Willsboro for said County of Jefferson, on the
Sixth Monday after the Fourth Monday
of September next to show cause if any
they have why the said sum of Five hundred
Dollars Each so by them aforesaid in form
acknowledged ought to be levied of their goods
and Chattels Lands and tenements according
to the form of this acknowledgment aforesaid
and have you then there this writ.

In witness whereof I Elias McConney
Clerk of the Circuit Court have hereunto
set ~~my~~ hands and seals of said Court
at office in Willsboro this July 12th 1867.

Elias McConney Clerk,
By C. Tho. Moore D.C.,

In the Jefferson Circuit Court
November Term 1867

State

vs.

J. G. J. Bowen et al

Sci Fa

on

Recoignizance

Served on Bowen by copy

on the 26th day of Aug. 67

Served this writ in Franklin County Mo. by delivering a copy thereof to the within named J. G. Bowen on the 26th day of August 1867; and by leaving a copy thereof at the usual place of abode of the within named William Greenstreet with a member of the family over 15 years of age, on the 22th day of August 1867

Julius Wilhelm, Sheriff

By F. Wilhelm, Dep. Shff

Fees \$ 2.00

Postage 6
2.06

State of Missouri

Seire Aciar ou Releguizamer.

John G. Brown
Green Street,

In the Jefferson Circuit
Court

Now at this day come John G. Bowen and
W^m Greenstreet move the Court to quash
the Scire Facias in the above entitled Cause
for the following reasons.

1. Because said Scire Facias does not show that the bond recited therein was taken in pursuance of any provision of our constitution or laws is therefore void.

2. Because said Luis Acias does not ask for Judgment against dependants.

3. Because said Scire Facias was issued upon a record which shows upon its face that the proceedings against Lloyd Whitton, the principal & defendants were unconstitutional and void.

State of Massachusetts

1877

John H. Bowers

Motion to quash

Deceit & embezzlement

Filed Dec 4 1887

Edw. J. Bowers