

November 1866

State

VS

Bailey, Daniel J.

Perjury

Charge of venue from Franklin County;  
lied under oath that he was eligible  
to vote, despite having "engaged in battle  
with the home Guards commanded by Col.  
Matthews"

State  
David B. Bailey vs. David

FRANKLIN CIRCUIT COURT  
 October TERM, 1860.

Charles Deane Attorney for State

|                                                                |                |
|----------------------------------------------------------------|----------------|
| claims for 21 days attendance, at \$1.00 per day               | \$21.00        |
| " for traveling 28 miles, going and coming at 5 cents per mile | 14.00          |
|                                                                | <u>\$35.00</u> |

Given to before me this 2nd day of October 1860.  
James W. Deane Clerk.

Charles Schreer

State  
Grand D. S. Bailey

FRANKLIN CIRCUIT COURT.  
 October TERM, 1860.

Wm. L. Under vs State

|                                                                |               |
|----------------------------------------------------------------|---------------|
| claims for 2 days attendance, at \$1.00 per day                | \$ 2.00       |
| " for traveling 24 miles, going and coming at 8 cents per mile | 1 92          |
|                                                                | <hr/> \$ 3.92 |

Suon to before me this 2nd day of October 1860.  
Wm. W. Kaufman Clerk.

State of Missouri } 33:  
 County of Franklin } It is remembered that at a regular  
 term of the Franklin circuit court begun and held at  
 the court house in Union, in and for the county  
 and State aforesaid, on the first Monday of April  
 A.D. 1866. There were present Hon James H. Owens  
 Judge of the Ninth judicial circuit of Missouri.  
 Julius Wilhelm Sheriff. Amos W. Kaufman Clerk  
 and David Murphy circuit Attorney  
 The Grand Jurors empannelled, sworn and charged  
 to inquire within and for the body of the county of  
 Franklin for said term, on the 24<sup>th</sup> day of said month  
 and year return into open court among other pro-  
 ceedings with a certain indictment in the words and  
 figures following, to wit:

Indictment

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 empannelled sworn and charged  
 to enquire within and for the body of the county  
 of Franklin upon their oath present that Daniel  
 Bailey late of the county of Franklin aforesaid  
 on the sixth day of June eighteen hundred and  
 sixty five with force and arms at and in the  
 county of Franklin aforesaid at an election precinct  
 in said county at a State election then and  
 there held under and in pursuance of the Con-

stitution ordinance and laws of the State of Missouri  
at said election Louis Wehrman, Benjamin Dean  
and Ferdinand Wausgen was there and then  
judges of said Election duly appointed and qualified  
as such, and at the <sup>said</sup> election held then and there  
as aforesaid by the judges of said election afore-  
said voluntarily and of his own free will and  
accord appeared the said Daniel Bailey, and  
offered to vote and also to be sworn as required  
by law in such cases made and provided be-  
fore his said vote could be taken by the judges  
aforesaid the said Daniel Bailey was then and  
there duly sworn and did take his corporate  
oath before the said judges of said election, held  
as aforesaid and acting as such the said judges  
of Election being then and there duly authorized  
and empowered to administer said oath to the said  
Daniel Bailey in that behalf, and the said  
Daniel Bailey being then and there sworn by and be-  
fore the said judges of election did wilfully corruptly  
knowingly feloniously and falsely depose and swear  
in substance and effect following that is to say I (mean-  
ing him the said Daniel Bailey) 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 (meaning him the said Daniel Bailey)  
have never directly or indirectly done any of the

acts in said section specified the acts aforesaid being material to the said Daniel Bailey's right to vote at said election. Whereas in truth and in fact the said Daniel Bailey did in the year eighteen hundred and sixty one in the county of Franklin aforesaid do some of the acts in said section specified that is to say did in company with diverse persons to Grand Jurors unknown assemble and take up arms<sup>ed</sup> did engage in battle with the Home Guards commanded by Col Matthew the same then and there being a part of the forces of the Government of the United States. being material act to disqualify him to vote the said Daniel Bailey. And so the Jurors aforesaid upon their oath aforesaid do say that the said Daniel Bailey at the election aforesaid on the sixth day of June eighteen hundred and sixty five, at the county and precinct aforesaid before the judges of elections aforesaid falsely corruptly wilfully and wickedly in manner and form as aforesaid did commit wilful and corrupt perjury contrary to the form of the constitution and ordinance in such case made and provided and against the peace and dignity of the State.

And the Grand Jurors aforesaid upon their oaths aforesaid do further present that Daniel Bailey late of Franklin County aforesaid on the sixth day of June eighteen hundred and sixty five at and in the county of Franklin aforesaid at the town of Washington at the town house of said town of Wash-

ington said town then and there being an election precinct and the town house aforesaid the place of holding elections for said precinct duly established according to law at a State election then and there held for the purpose of ascertaining the sense of the people in regard to the adoption or rejection of the constitution, said election being a State election and Louis Wehman, Benjamin Dean and Ferdinand Naesgen was then and there judges of said election duly appointed and qualified as such and at the said election held then and there at the election precinct aforesaid by the judges of election aforesaid for the purposes aforesaid voluntarily and of his own free will and accord appeared the said Daniel Bailey and offered to vote and be sworn as required by law to enable him to vote at the election aforesaid and for the purpose aforesaid the said Daniel Bailey was then and there duly sworn and did take his corporal oath before the said judges of election at the election held as aforesaid. said judges of election at the election held as aforesaid. said judges of election being then duly authorized and empowered to administer such oath to the said Daniel Bailey in that behalf and the said Daniel Bailey being then and there sworn by and before the said judges of election did wilfully corruptly knowingly and falsely depose and swear in substance and effect following that is to say I (meaning him the said Daniel Bailey) 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 meaning him the said Daniel Bailey have never directly or indirectly done any of the acts in said section specified that is to say I (meaning him the said Daniel Bailey) have never been in armed hostility against the United States or to the lawful authorities thereof or the government of this State or has ever given aid and comfort countenance or support to persons engaged in any such hostility, or has ever in any manner adhered to the enemies foreign or domestic of the United States, either by contributing to them or by unlawfully sending within their lines money goods letters or information - the said acts specified in

said section being material to qualify the said Daniel Bailey then and there to vote at said election

Whereas in truth and in fact the said Daniel Bailey - did sometime in the year eighteen hundred and sixty one (to wit the second day of September) in Franklin County aforesaid do some of the acts in the said section specified, that is to say did on or about the second day of September 1861 at Franklin County aforesaid in company with divers other persons to the jurors aforesaid unknown engage in armed <sup>hostility</sup> to the United States and to the lawful authorities thereof and to the Government of this State and has

and has given aid comfort countenance and support to persons engaged in such hostility and has in manner adhered to the enemies of the United States.

And so the Jurors aforesaid upon their oath aforesaid do say that the said Daniel Bailey at the election precinct aforesaid on ~~or~~ the sixth day of June eighteen hundred and sixty five at the county aforesaid before the judges of election aforesaid falsely corruptly wilfully <sup>and</sup> wickedly in manner and form as aforesaid did commit wilful and corrupt perjury contrary to the form of the Constitution and ordinance in such case made and provided and against the peace and dignity of the State of Wisconsin

David Murphy  
Cir Attg

And upon said indictment are the following in-  
dorsements, in the words and figures following to  
wit: No 3, State vs Daniel Baley, Perjury.

Wit Louis Wehmann Benj Dean. Charles Schuen  
Philip Gerber. A true bill Amos P. Foster  
foreman. Filed April 20<sup>th</sup> 1866. A. W. Maupin  
Clerk

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

State

NS

State  
vs  
Daniel J Bailey } Indictment for Perjury  
At true bill - Capias awarded

Which said Capias is in the words and figures following to wit:

Capias The State of Missouri } ss.  
County of Franklin }

To the Sheriff of Franklin County = Greeting;

We command you to take Daniel O Bailey 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 on the first day of the next term thereof to be begun and held 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 Perjury 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 your return thereon how you execute the same

Witness Amos W. Maupin, Clerk of our said Court, with the seal thereof hereto affixed, at office in the town of Union, this 30<sup>th</sup> day of April in the year of our Lord eighteen 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:

Sheriff's return Executed this command in Franklin County Mo

by apprehending the within named Dan I Bailey  
and having him now before the Honorable Judge of  
the Franklin Circuit Court. this 11<sup>th</sup> day of June  
1866

Fees \$1.50

Julius Wilhelmi Sheriff  
By F Wilhelmi Dep Shff

And afterwards to wit: on the 11<sup>th</sup> day of June A.D.  
1866. at the said circuit court, the following appears of  
record, to wit:

State

vs

} Indictment for Perjury

Samuel I. Bailey } Samuel I Bailey as principal and  
Caleb Bailey security acknowledge themselves indebted joint-  
ly to the State of Missouri in the sum of One thousand  
Dollars to be levied of their respective goods and chattels,  
lands and tenements. Yet upon condition that if ~~they~~ the  
said Saml I. Bailey shall be and personally appear on  
the first day of the next term of this court to be begun  
and held at the Court house, in Union, on the third  
Monday in September next then to answer the State  
of Missouri on an indictment for Perjury, and shall  
not depart the said court without leave, then this re-  
cognizance to be void otherwise to remain in full  
force

And afterwards, to wit: at the October term A.D. 1866.  
of the said circuit court, and on the first day of said  
term month and year aforesaid, the following appears

of record. to wit:

State

vs  
Daniel I. Bailey } Perjury  
Application for a change of venue filed  
by defendant

Which said application is in the words and figures  
following to wit:

Application for a change of venue  
State of Missouri } In the Franklin circuit  
County of Franklin SS. Court Oct Term 1866

State of Missouri Plaintiff }  
vs } Charge of Perjury  
Daniel I. Bailey Defendant }  
Petition for a change of  
venue.

To the Hon<sup>ble</sup> Judge of the 9<sup>th</sup> Judicial  
Circuit

Defendant Daniel I. Bailey ask the court to  
grant him a change of venue in the above entitled  
cause for the following reasons - that he has good  
reasons to believe and does believe the Judge of the  
9<sup>th</sup> Judicial circuit court is so prejudiced against  
him that he cannot have a fair trial

Sworn to & subscribed }  
the 1<sup>st</sup> day of October 1866 } D. I. Bailey  
Thomas Crow  
Notary Public

And upon said application are the following endorsement  
in the words and figures following. to wit:

State vs Paul D. Bailey application for change of venue  
Filed Octr 1<sup>st</sup> 1866. At W. Maupin clerk

And on the day, month and year last aforesaid the  
following appears of record. to wit:

State

vs

} Indictment for Perjury

Daniel D. Bailey } Daniel D. Bailey as principal and Eslet  
Bailey as security acknowledge themselves jointly indebted  
to the State of Missouri in the sum of one thousand  
dollars. to be levied of their respective goods and chat-  
tels, lands and tenements. Yet upon <sup>the</sup> condition that  
if the said Daniel D. Bailey shall be and person-  
ally 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 Villebois, on the sixth Monday af-  
ter the fourth Monday of March next, there to answer the  
State of Missouri, on an indictment for Perjury, and shall  
not depart the said court without leave then this recogni-  
zance to be void otherwise to remain in full force and  
effect

State

vs

} Indictment for Perjury

Daniel D. Bailey } Now at this day comes the said defen-  
dant and files herein his affidavit for a change of venue

in this cause for the reason that he has good reason to believe and does believe that the Judge of the ninth judicial circuit is so prejudiced against him that he cannot have a fair trial, which said affidavit being seen and examined 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 true, and perfect transcript of the records and proceedings had in said cause, together with all the original papers filed in said cause and not forming apart of the record

And afterwards, to wit: on the second day of said month and year, at the said circuit court, the following appears of record, to wit:

State

vs

} Indictment for Perjury

Daniel J. Bailey } Louis Wehman, Benj D. Dear, Philip  
Gerber, and Charles Schrein acknowledge themselves indebted to the State of Missouri, 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 Hillsboro, on the sixth Monday after the first Monday of March next, then to testify on the part of the State, in <sup>the</sup> case of the State of Missouri against Daniel J. Bailey, on an indictment for Perjury, and shall not depart

the said court without leave then this recognizance to be void, otherwise to remain in full force and effect

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

|                       | Amos W Maupin Clerk                                             | Dol | cts |      |
|-----------------------|-----------------------------------------------------------------|-----|-----|------|
| April Term 1866       | To filing and entering indictment                               |     | 75  |      |
| 1866                  | " Issuing & filing Capias                                       | 1   | 50  |      |
| Spring adj- Decm 1866 | " Entering recognizance of Prisoner                             |     | 30  |      |
| Oct Term 1866         | " Filing & entering motion for change of venue                  |     | 20  |      |
|                       | " Issuing 4 Subpoenas 25 <sup>cts</sup> each                    | 1   | 00  |      |
|                       | " Certificate to aff on claims of 3 into 15 <sup>cts</sup> each |     | 45  |      |
|                       | " Entering order of change of venue                             |     | 25  |      |
|                       | " Entering recognizance of Prisoner                             |     | 50  |      |
|                       | " Entering recognizance of all witnesses                        |     | 30  |      |
|                       | " Docketing each docket 5 <sup>cts</sup>                        |     | 10  | 5.85 |

Gulius Wilhelmi Sheriff

|                                                       |   |    |      |
|-------------------------------------------------------|---|----|------|
| To Serving and returning Capias                       | 1 | 50 |      |
| " Serving and returning 4 Spas 50 <sup>cts</sup> each | 2 | 00 | 3.50 |

Witnesses

|                                |   |    |          |
|--------------------------------|---|----|----------|
| Phillip Gerber 2 days 24 Miles | 3 | 92 |          |
| Charles Schrein 2 " 28 "       | 4 | 24 |          |
| B. J. Dean 2 "                 | 2 | 00 | \$ 10.16 |

State of Missouri } ss.  
County of Franklin } I Amos W. Maupin Clerk of the  
circuit court and Ex-Officio Recorder within and  
for the county and State aforesaid. do hereby certify  
that the above and foregoing is a true, full and per-  
fect 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 here-  
unto set my hand and seal of said  
circuit court at Office. in Union.

this 5<sup>th</sup> day of November A.D. 1866

Amos W. Maupin  
Clerk

By J. C. Wimer D.C.

State of Wisconsin

vs  
Donald D. Clarke

Deputy

2362

Charge of some  
household goods  
of Donald D. Clarke to Jefferson  
County, Wisconsin.



Filed  
at New York 17 / 1866  
at New York  
at New York  
at New York

State  
vs  
David H. Bailey } Indictment for Perjury.

Now at this day comes the Defendant in  
this cause & demurs to the indictment here in  
for the following reasons.

1. Because the Indictment does not charge the  
act of Perjury to have been done feloniously.
2. Because the second section of the third arti-  
cle of the Constitution of Missouri, under  
which this indictment was drawn is an Act  
of state law within the meaning of the 9<sup>th</sup> Sec.  
of the 1<sup>st</sup> Article of the Constitution of the  
United States, and operates as a bill of At-  
tainer - & is therefore void.
3. Said Indictment is otherwise indefinite &  
void.

John L. Thomas,  
Atty for Defendant.

State

71

David Bailey

Denver -

July 9 May 6 1867

D A Honey etc.

Quarantined

State

in the Jefferson Lumber Board May 1867

Samuel Barclay

July 1867

during attendance for the day 2 14 202

Drummen 9 to 10 am 114 miles 8 12 12

known to before me May 1867 11.12

E. J. Kennedy etc

State } In the Jefferson Co Court May Term 1867

vs

Samuel Buckley } Charles Schreier a trustee on behalf of

the state claim for money @ 18 200

" docketing to from Court 114 @ 84 9.12

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11.12

Suma to before me May 7th 1867

E. V. Cheney Clerk

Second Union Mo. July 12<sup>th</sup> 1868. of E-  
Money, clerk of the Circuit Court of Jefferson County, by  
mail. the following fees. to-wit:

In case State vs Bailey. Chas Schrans Writ's fee \$ 15.36

" " " " Philip Lister " " \$ 15.04

A. W. Maupin's fee State vs Brubaker 3.65

" " " " " vs Bailey 5.40

\$ 39.45

John C. Weimer

P.S.

Enclosed please find receipts of the claimants

Very Respectfully,

Yours Obedt Servt

John C. Weimer

2362

State

no

Bailey & Bruden