

Jefferson County Circuit Court
Case Files - Criminal
March 1867

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State

vs.

Boyd, Philip

Petit Larceny

Stole one turkey from
John O'Fallon

State of Missouri
John O. Fallon Pres.

vs.
Philip Bolz Dep.

Before Justice
H. M. Parker

Statement.

John O. Fallon upon his oath,
says that Philip Bolz about the
first day of January 1857 stole
One Turkey ^{same property} the property of this
affiant out of his stable on
his plantation in Jefferson County
State of Missouri; and appropriated
the same to his own use. and
that this affiant further says that
the said Philip Bolz has not to his
knowledge, or belief, been arrested,
held to bail, or otherwise dealt
with for the said offence. —

Sworn to and subscribed
to before me this 19th day
of March A. D. 1857.
by ~~John O. Fallon~~
said John O. Fallon

John O. Fallon.

H. M. Parker

Justice of the Peace.

THE STATE OF MISSOURI, }
COUNTY OF ST. LOUIS. } SS.

being duly sworn, says that

on or about the _____ day of _____ A. D. 186____, at the County
aforesaid, did commit an assault and battery

and this affiant further saith, that the said

ha not, to _____ knowledge or belief, been arrested, held to bail, or otherwise dealt with for the said
assault; and further saith not.

Sworn to and subscribed before me, }
this _____ day of _____ 186____ }
_____ J. P. }

The State of Missouri,

Little Rock, Arkansas
To any Constable of St. Louis Township, in St. Louis County—GREETING :

WHEREAS, complaint has been made before me, that

on or about the *First* day of *January* A. D., 186*7*, in the County
Abraham Steel and Turkey
of St. Louis, did commit an assault upon the person of *The Heaps of J. C. Hallam*

as set forth in the above complaint which is made part of this Warrant.

Therefore, we command you to take the body of the said

if *he* be found in the said County, and bring *him* before me, the undersigned Justice of the
Peace, at my office, in said Township, to answer the said complaint, and hereof fail not.

Given under my hand, this *19th* day of *March* 186*7*

J. M. Farber JUSTICE.

In obedience to the within Command
 I executed this writ - by taking the
 person or Body of the within named
 Philip Boly and delivered him to
 the within named Justice this
 22nd day of March A.D. 1867.
 Jeph. Co. Mr. I also employed Henry
 Fire & Mark Man to assist me in taking
 said Person

Deft. Constable
 William Foster

March 19th 1867

STATE WARRANT.

STATE OF MISSOURI,

~~John C. Hallen~~

WARRANT.

vs. Philip Boly

2264

FORTHWITH.

Justice

Can. Fee for 3 - 2.25
 J. T. Fee 1.75

Filed April 1st 1867

No bill found

THE STATE OF MISSOURI,

COUNTY OF SAINT LOUIS.

SS.

To John Hyle

You are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of ~~St. Louis~~, in the County of ~~St. Louis~~, on the 18th day of March 1867, at the hour of 8 o'clock, P.M., at his office in said Township, to testify on the trial of a case wherein State of Missouri ~~Edw. Patton~~ Wm. Patton plaintiff, and Wm. Patton defendant, on the part of the State and of this you are not to fail at your peril.

Given under my hand, this

19 day of March 1867.

Wm. Patton

Justice.

executed this writ - by reading the same
to the within named John Kyle this
22^d day of March A.D. 1867 in deft.

Co. No.

Deft. Carlin
William

SUBPOENA.

~~John Kyle~~
vs
Philip Bailey

To
John Kyle

VERSUS

Justice

Costs Fee

1.00

Receignance.

State of Missouri }
County of Jefferson } ss

Be it remembered
That on the 25th day of March A.D. 1867 Philip
Boly and John H. Johnston of Jefferson
Co. Mo. personally came before me, H. M.
Parker a Justice of the Peace, within & for said
County and acknowledged themselves to owe
the State of Missouri: That is to say
the sum of One Hundred Dollars
to be levied upon their & each & all their
Lands & Tenements if the said Philip Boly,
shall fail in the condition, underneath. The Condition
of this receignance is such, that if the above named
Philip Boly shall personally appear at the Circuit Court,
on the next term thereof, to be holden for the County of
Jefferson on the first day of our Circuit Court
next, May 1867. Then & there to answer an indictment
to be preferred to the grand Jury against the said Philip
Boly for alleged Petit Larceny wherein he stands
charged, & shall not default the same as in this decree of
the Court then this receignance to be void as to him & to stand in full
force. —

Philip Boly (Exec)

Taken & Certified the day and
year last aforesaid —

H. M. Parker
Justice of the Peace

John H. Johnston (Exec)

Proceedings
State Tru
as

Philip Boy.

Bellevue in Prison
97

Nov 25-1803

For Debt-Keeping
charges

217 50

State of Missouri

~~John O'Fallon et al vs~~

Before H. M. Parker Esquire
Mar. 25th 1867.

vs
Phillip Boly

Charge - Petit-Larceny -
Deft. Pleads - "Not Guilty."

of Jefferson County
Col. John O'Fallon, of lawful age, being sworn says -

all that I know is, that the turkey was
missing on or about the time stated, the 1st of
January - a turkey hen of ~~yellow~~ color, nearly
white - this is all I know about it -

Sworn to and subscribed before me
Mar 25-1867 of Jefferson County
H. M. Parker J. B.

John O'Fallon
John Kagle, going on fourteen years of age being sworn
says -

I live on John O'Fallon's place
in the State of Missouri - doesn't know the Country
I know Phillip Boly the Deft. Did ^{not} see Mr. Boly
about Christmas or New Year's - Saw him about
two weeks after Christmas. Was not with him at
that time about his barn or stables - was up at
his house. I didn't go down to the barn with him.
I saw Mr. Boly come into the house with
a turkey - white looking with spots on it.
Do not know where he got the turkey. He
came in the house with it had it wrapped up
in his coat. It was a little after dark. It looked
like to me its throat was cut - Saw blood on its
neck. I stayed at Mr. Boly's and ate some of
the turkey. None but his children, his wife and
himself ^{were there}. He burnt up the feathers of the turkey.
I didn't hear him say why he burnt up the fea-
thers - His wife said the turkeys had ate enough

off of him for him to eat the turkey - Mrs. Boly lives on
Mt. O'Hallow place -

Examined for the defense -

I do not know whose turkey it was.

Re-examination in Chief - The turkey looked like
a hen. He went down to my Cousin Andrew's -
and I went home with him - She did not ^{say} whose
turkeys they were that eat off of him -

sworn to and subscribed to before me
March 25-1867 H. M. Parker J.P.

John ^{his} Kyle
mark

Andrew Kyle, of lawful age, being sworn, says, -

I think it was some time after New Years.
I was not at home. Mrs. Boly did not buy any
turkey of me - did not get any from me. Had
no turkeys - I do not know anything about
this turkey except what I have heard

sworn to and subscribed

March 25-1867 H. M. Parker J.P.

Andrew J. Kyle

^{of Jefferson County}
Wm. Stoupe, of lawful age, being sworn says -

I ~~don't~~ believe the hens were generally of
a whitish color.

sworn to and subscribed to before me
March 25-1867 H. M. Parker J.P.

Wm. Stoupe

^{of Jefferson County}
Samuel Landers, of lawful age being sworn says -

I know the turkeys to be of a whitish
color

sworn to and subscribed to before me
March 25-1867

Samuel Landers

H. M. Parker J.P.
^{of Jefferson County}
G. Johnson, of lawful age being sworn says -

Mrs. Boly said he killed a turkey -
said it was in his trough and he kicked it
and kicked it harder than he intended to -
He does not deny that he killed the turkey - I be-
lieve Mrs. Boly lives on Col. O'Hallow's place.

Wm. Kersey of Jefferson County, of lawful age, being sworn
says -

I know the defendant Phillip Boly -
He lives on Col O'Fallon's place - He lives sixty
or seventy yards from where I lived never
measured it - He lived in the month of Jan'y
on Col O'Fallon's place - He lived there on the
1st of January and is there still - To the best of
my belief there was one missing. Thinks it was
about the 1st of January - It was a turkey hen -
They were a light color generally called white
turkeys. Wm. Boly has been feeding his horses
in a stable built by O'Fallon and owns
on Col. O'Fallon's place - Wm. Boly feeds his
horses there in the troughs. Never saw him
feed them anywhere else - generally feeds
there - They were fed there about the 1st of
January - It has been his feeding place ever
since I have been on the place. Never
saw or heard of anybody's having or claim-
ing any turkeys on Col. O'Fallon's place ex-
cept Col. O'Fallon - The turkeys were in
the habit of going down to the stable -

Wm. Kersey

Sworn to and subscribed

before me this 25-1887

H. M. Danner J.P.

Evidence.

July 18

— 18. —

Philip. Boly

Beckon No m. d. d. d.

21. Aug 25-1803

—

21. Feb

\$4. —

Transcript.

State of Missouri

vs.

Philip Boly

Suit before Justice

H. M. Parker
J. J.

Deft. Charged with

Petit-Larceny (of Taking a
Turkey)

On this 19th day of March A.D. 1857 John
O'Hallan made affidavit that Defendant
Philip Boly had taken in January
1857 and taking the property of said
O'Hallan & appropriated the same to
his own use and ordered a ~~process~~
to issue which may come and
be delivered to Dep^t Constable William
Fritter made return therewith
on March 22^d 1857. The warrant
was returned & the Deft Boly was
in custody. As the Deft. Boly not
being ready for trial on account of
material witnesses the Justice
required said Boly to give Bond
in the sum of One Hundred Dollars
for his appearance before him on
the 25th day of March A.D. 1857.
And on this 25th day of March
1857. the Justice having heard the
evidence & adjudged that said Defendant

Philip Bag give bail in the Sum of
One Hundred Dollars to appear
at the Circuit Court in Hillsb.
Sept. Co. Mo. on the first-day thereof
then & there to abide until discharge
by due course of Law.

And the Sept Bag gives the require
Bond with himself & John H. Johnston
as his security for his Bag appearance
at the first day of the Circuit Court
to be held in Hillsb. Sept. Co. Mo.
on the 1 day of May A.D. 1857.
and there to be disposed of according
to Law. —

State of Missouri }
County of Jefferson } I the undersigned Justice
do hereby certify that the foregoing
is a true copy of my docket & entries in
the foregoing entitled Suit & that I
have hereto sent all the papers
in said case to the Circuit together
with this

Given under my hand this 2 day of
April A.D. 1857.

H. M. Parker
Justice

State of Missouri } Brought before
 vs. } H. M. Parker a
 Philip Balz } Justice of the Peace,
 for Jeff. Co. on a
 Charge of Petit Larceny
 of a Turkey. —

Bill of Costs.

Justice Parker, Fees For Affidavit Entering Suit
 and Warrant .85-
 Issuing 2 Subpoenas .70
 Taking Bond .50
 Continuing Cause .35-
 Attachment for witnesses .50
 Binding Prisoner to Circuit Court .35-
 Bond for appearance to Circuit Court .50
 & a 1/2
 Urging Evidence 4.00
 Transcript 1.50

Parker's J. F. Fees \$9.85
 Fees Paid \$2.25
 \$12.10

Constables W. Trillers Fees serving warrants with
 Two Deputies — 2.25
 Serving Subpoena .35-
 " Detention for witnesses 1.00
 3.60

Witnesses for Prosecution John Kyle, John C. Tullam, Andrew
 Kyle, Wm. Stance, N. Sanders, N. C. Holman, G. J. Johnston
 E. M. Kersey. on 50 cts — witness Fees — 4.00

Shore services here Total Fees — \$17.25

Ordered up to March 25
 1867.

H. M. Parker
 Justice

Free Bill

Feb 16

—ms.—

Philip Bondy

March 28 1803

Belton Butler

to Mr Parker