

2148
STATE vs JNO SMITH

File No. 21118 The State of Missouri vs. Jno L Smith

The contents of this file No. 2148 transcribed by Jeanne Ogle Turley
March 25, 1969 from the original hand written court record.
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The State OF MISSOURI
To the constable of Joachim Township in the County of Jefferson
A. B. Hensley, deputy

GREETING:

You are hereby commanded to summon a jury of six good and lawful men households of your Township to appear before me, William Mockbee, a Justice of the Peace of said Township acting as coroner of said county at the late resedes of Phidello William in the Township of Joachim in the county aforesaid on the 27th day of November 1859 at 9 o'clock. Then and There to inquire of and do all such thing as shall be lawfully given. Then in charge Tuching the death of Phidello Williams and be you then and there with this writ to certify what you shall har down the premeses and further to do what shall then and there be enjoined upon you according to law.

-William Mockbee, Justice of Peace acting as coroner
Given under my hand this the 26th day of November 1859

JURY:

V I Spaulden [Spaulding]
John H Lanham
Charles Craft
Isac Cadwaledo [Isaac Cadwallader]
John Farley
John M Bailey

*****4 {denotes the page number within the Jeanne Ogle Turley transcription}

STATE OF MISSOURI COUNTY OF JEFFERSON

To - A B Hensley, constable

The State of Missouri to Harris R. Williams - George William - Charles Thomas - John Schmith - Abraham Johnston - S L Hicks - William Hendrickson – John Power - C S Rankin - G M Dixon - George Hendrickson - David Bryant – Thomas Lee - John Ogels [OGLE]- John Hendrickson - Warin Carley [Warren CORLEY] - Elizabeth Corley - George Whitehead - Joshua Gozea [GOZA]

GREETING:

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You are hereby commanded to appear before me, William Mockbee, Justice of the Peace and acting as coroner of the county of Jefferson at nine o'clock on the 27 of November 1859 and an inquest setting at the late resident of Phidello Williams in said county to be examined and to declare you knowledge concerning the manner in which Phidello Williams there lying dead came to his death and all other matters on which you shall be examined and Secrecy fail not at your peril.

-William Mockbee, J of P acting as coroner

Given under my hand this the 26 day of November 1859

- I Executed the within summon on the 26 and 27th day of November 1859 with the exception of John Power, A Johnston & Georg Whitehead by reading in the presence. - A B Hensley

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STATE OF MISSOURI - COUNTY OF JEFFERSON

To - John Farly [FARLEY], deputy constable

The State of Missouri To Jackson Vaughn

GREETING:

You are hereby commanded to appear before me, William Mockbee, Justice of Peace of acting as coroner of the County of Jefferson and an inquest sitting at the later residence of Phidello Williams in said county to be examined and to declare your knowledge concerning the manner in which Phidello Williams there lying dead came to his death and all other matters on which you shall be examined and hereof not at your peril.

William Mockbee, J of P acting as coroner

-Given under my Hand this the 26 day of November 1859

Summon witness to attend at 9 o'clock on the 27 of November 1859

- I executed the within summon on the 26 day of November 1859 by reading the summon in the presence and hearing of Jackson Vaughn. - John Farley

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We, George W. Dixon, Saml L. Hicks, George Hendrickson, Harris R. Williams, John Schmidt, Jackson Vaughn, Elizabeth Corley, Warren C. Corley, & Wm. H. Hendrickson

Acknowledge voucher, severally to stand indebted to the State of Missouri in the sum of One hundred dollars upon the condition that if each of the above named persons shall make his personal appearance before the Circuit Court on the first day of the next term thereof to be holden for the County of Jefferson at Hillsboro on the second Monday after the fourth Monday of November being the 12th day of December 1859 and then and there testify to their knowledge touching the death of Phidello Williams and do not depart thence without the wave of said Court. Then this bond shall be void, otherwise to remain in full force.

- Witness our signatures and Seals this 27th day of November 1859

GW Dixon (seal)

Saml L. Hicks (seal)
George Hendrickson (seal)
John Schmidt – his X (seal)
Jackson Vaughn - his X (seal)
Elizabeth Corley - her mark X (seal) Attes W. S. Vons
Warren C. Corley Attes W. S. Vons
William H. Hendrickson (seal)

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State Vs Smith Testimony of

CRAESY, read.

-Heard John Smith say hit him Jim - did not say who – Old John Smith did nothing.

ROBERT GAMBLE –

- Saw Jim Smith raise his hand - Fidello pull off his coat and roll up his sleeves, he was trying to make peace - Young John Smith standing four or five feet from Fidello.

SAMUEL L. HICKS –

- Was at Walter Dewetts sale. Jack Vaughn & he commenced a quarrel. - Fidello stepped up in a fighting attitude - said he wanted no fighting; still he kept his hands in motion - Jim Smith backed up to the house & picked up a rock & threw at Fidello, & he fell - he picked the rock, & Jim Smith stepped around in the crowd - he lived 6 or 7 weeks, - he saw he had got cold in it. Did not see John Smith do anything, - he came up to Jim & told him several times to let me alone, T was only about 15 or 20
 - remember hearing John Smith tell Jim to come away & let me alone, - Fidello then advanced on him. never heard, John Smith say any to Jim, about the time the rock was throwed.

A.B. JOHNSON -

- All went back, Williams mentioned the matter again to Vaughn, -Williams told Hicks to go on & raise the fuss, & he would do the fighting - Williams rushed on Jim, & he thinks John said to Jim, to strike & let him have it, - thinks John Smith said afterwards Jim had done what he told him. Saw this old man go to Fidello several times & old man went to Jim & got him to put his coat & go away. Fidello

SARAH SMITH HOVVERN?-

- She was there Corley & his wife took supper – stayed 2 hours,- she heard all that was said, - John Smith never said Jim done just what he told him.

FERD SMITH –

- Jacks Vaughn & M Hicks had a fuss - Vaughn & then Fidello took Hicks off, & talked together, & then came back, & they raised a fuss, and Fidello rushed on Jim - punched young John out of the way - & then the lick was struck - he fell me at my feet. ~~As he advance~~

MR. HICKS –

- I picked him up & I think old John helped, & never heard John say there were an old grudge, - never saw but one stone thrown,

MR. WHITEHEAD –

- Says this difficulty occurred between J. Vaughn and Hicks, - Jim for Vaughn & Williams for Hicks – They jumped over the fence, old Smith & myself & others got them to stop, - 15 or 20 minutes – seems to me McAnally was at the hog pen, but I am not certain, came up when Fidello laid there, old John was there, -he never heard John Smith say, ‘there was an old grudge settled”, Williams 175 or 180, Jim Smith 150 or 160, Williams general character that of a quarrelsome & fighting man, when drinking.

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LES POUNDS –

- Williams was very stout, 180 or 185, - His general character was that of a quarrelsome, turbulent man when drinking.

JAMES HENRY SMITH -

- Hicks & Vaughn commenced the difficulty - 2 difficulty -Fidello reaching around & wanting, sleeves rolled, - Fi [Fidello] & Jim facing each other- went to Jim & told to put on his coat, - John Smith & Jim 12 or 15 feet apart, Jim north of Fidello, & old John rather behind, Fidello continued to advance until he struck, - when he fell I never heard old John say anything, - Jim stepped back, -near the house. I am satisfied there was but one rock thrown - I was in such a frontia I could easily have seen, - I was looking at both parties- did not see Jim Smith throw it- but saw it as it strike him was but one rock thrown- did not hear John Smith say, Jim you have killed that man, - Did not see McAnally - there at the time Fidello was struck.

Mrs. CORLEY –

- Was there shortly after she has no recollection - Aften [Often] at John's house, - John said Fidello struck at Jim, 3 times before Jim struck him, - & that Jim did what he told him,- can't say whether this conversation occurred before or after supper - John & his wife & daughter Sarah were there, & my husband, - was no other conversation - recollect nothing else.

Defendant witnesses -

JOHN SMITH –

- I was there – the 1st difficulty between Vaughn & Hicks - & Jim Smith told Fidello & Fidello - old John was 15 feet from Jim, - heard him say nothing -Fidello rushed on Jim, & struck at witness & he knocked off - old John said I wouldn't took that, I'd a knocked him, - Jim Smith was 6 feet in front of Fidello,- he was behind him, & John Smith behind him - not near Jim Smith.

JESSE B. McANALLY –

- Jack Vaughn & Hicks had a fuss, - some got fence to make a fight of it - was then quarreled - & they got back in the yard - some words then passed between Hicks & Jim Smith - he pulled off his coat, - Jim accused him of having a knife. Just as I got back young Smith threwed the rock

that struck Williams - he fell near me, fell backwards - Just as he was in the act of falling another rock was thrown - struck him on the short arm, - thought John threw it, - but I might have been mistaken - John & Jim standing 10 or 12 feet off from Williams - 2 rock came from that direction - young Jim picked up a chisel & said you mustint fool with me, - & then a few minutes afterward old John said there is an old grudge settled, - I was behind him when he fell, - stood 1/2 a minute & fell. -Williams said something to the effect that if there was any fighting he would have a hand in it, - I run & just got upon the rock struck, saw Fidello throw his coat, I am positive there was a 2d rock throwed saw him examine his arm.

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Dr. WEST -

- I examined his head & found skull fractured. - told him he must take good care of himself or it might give him trouble, - I believe that the wound was what led to his death, -struck on 5 Nov. & died 25 Nov, thinks if there had been no fracture cutting out that portion of the skull might produce death, 14th saw him 19 & 21, trohance ? - 25 died.

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- We the undersigned have upon our POST MORTEM inquiry found sufficient injury resulting from the fracture in the skull of Fidelo Williams to occasion his death.

Wm. West, M.D.

T. R. Bruce, M.D.

Jno T. Hod(g)ssen, M.D.

-November 27th 1859 Jefferson County, MO

Sworn and subscribed to before me this 27th day of November 1859

- William Mockbee, Justice of Peace acting as coroner

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STATE OF MISSOURI - COUNTY OF JEFFERSON

- An inquisition taken at the late residence

Phidello Williams deceased in the County of Jefferson and State aforesaid on the 27th day of November 1859 before me William Mockbee, a Justice of the Peace acting as Coroner of the County aforesaid, upon the view of the body of Phidello Williams then and there lying dead.

Charles Craft, J. M. Bailey, John Farley, John H. Lanham, Isaac C. Cadwalader, Vincent J. Spalding

- good and lawful men householders of the Township of Joachim in the County aforesaid who being sworn and charged diligently to enquire and M esentunut make how and in what manner and by whom the said Phidello Williams came to his death upon their oath do say that Phidello Williams came to his death by the hands of James Smith by striking said Williams with a rock and fracturing his skull.

In witness whereof as well William Mockbee, acting as coroner

The aforesaid coroner as the jurors aforesaid and have to inquisitions put their names at the place and on the day and year aforesaid the aforesaid: Vincent J. Spalding, John Farley, John H Lanham, J.M. Bailey, C. A. Craft, Isaac Cadwallader

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STATE OF MISSOURI vs James Smith and John Smith Sr.

Indictment for Murder

A True Bill

A. Bowles, Foreman

Witnesses:

Dr. West
Samuel Hicks
Abraham Johnson
Frank Creasey

Filed June 16th 1860

Elias F Honey, Clerk

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STATE OF MISSOURI - COUNTY OF JEFFERSON
In the Circuit Court June Term AD 1860

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 Jefferson, upon their oath present that James Smith and John Smith Sr. both late of said County, on the fifth day of November Eighteen hundred and fifty nine with force and arms at and in the County of Jefferson aforesaid, in and upon one Phidelo Williams in the peace then and there being - feloniously, willfully, deliberately and premeditatedly did make an assault. And that the said James Smith and John Smith Sr. a certain stone which they, the said James Smith and John Smith Sr. in both of their hands then and there had and held, to against at and upon him the said Phidelo Williams, then and there feloniously willfully, deliberately and premeditatedly, did violently cast and throw, and that the said James Smith and John Smith Sr. with the stone aforesaid, so violently cast and thrown by them as aforesaid the said Phidelo Williams in and upon the head near the left eye of him the said Phidelo Williams then and there feloniously willfully, deliberately and premeditatedly did hit strike and wound, giving to him the said Phidelo Williams, then and there with

the stone aforesaid so as aforesaid by them the said James Smith and John Smith Sr. cast and thrown at and upon the said head near the left eye of him the said Phidelo Williams one mortal wound of the length of three inches and of the breadth of three inches and depth of two inches of which said mortal wound the said Phidelo Williams from the said fifth day of November Eighteen hundred and fifty-nine until the twenty fifth day of November in the year last aforesaid at and in the County of Jefferson aforesaid did languish and languishing did live, on which said twenty fifth day of November in the year last aforesaid the said Phidelo Williams at the County of Jefferson aforesaid of the said mortal wound did die.

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And so the jurors aforesaid upon their oath aforesaid do say, the James Smith and John Smith Sr. him the said Phidelo Williams in manner and form as aforesaid, feloniously willfully, deliberately and premeditatedly did kill and murder.

Against the peace and dignity of the State of Missouri.

D. T. Gale, Circuit Atty.

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TO CIRCUIT COURT December Term 1860
State vs John Smith Sr.

for Plaintiff -
Dr. West
Saml. Hicks
Abraham Johnston
Frank Creasey

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To Samuel Hicks - Abraham Johnston - Dr. West -Frank Creasy

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of December 1860 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELLS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this 24th day of October A.D.1860 - Elias F. Honey, Clerk (SEAL)

- I Executed the within writ the Counter of Jefferson on the 29th day of November 1860 by Reading the same in the presence and hearing of Dr. West and Abraham Johnston and Sam Hicks. Frank Creasey not found in my County.

J. C. Painer, Deputy Sheriff

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TO CIRCUIT COURT December Term 1860
State vs John Smith

for Defendant -
George Whitehead
John Vaughn

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To George Whitehead - John Vaughn

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of December 1860 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri Plaintiff and John Smith is Defendant on the part of defendant and herein you are in no wise to fail.

Witness, ELLS F. HONEY, Clerk of our said Court with the Seal thereof
hereto affixed, at office this 20th day of October A.D.1860 - Elias F. Honey, Clerk (SEAL)

- I executed the within writ in the County of Jefferson on the 26th day of November 1860 by
Reading the same in the Presence and hearing of John Vaughn and G. E. Whitehead
J C Paines, Dept Sheriff

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TO CIRCUIT COURT December Term 1860
State vs John Smith

for deft -
Ferdn Smith
Jno Smith Jr et E?
James H Smith ct E?
John Goza
Munroe Whitehead

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To Ferdinand Smith - John Smith Jr - James Henry Smith - John Goza - Munroe Whitehead

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of December 1860 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of defendant and herein you

are in no wise to fail.

Witness, ELLS F. HONEY, Clerk of our said Court with the Seal thereof
hereto affixed, at office this 30th day of October A.D.1860 - Elias F. Honey, Clerk (SEAL)

- I executed the within writ in the County of Jefferson on 6th day of November 1860 by Reading
the same in the presence and hearing of John Goza - Ferd Smith and - M Whitehead
J C Painer, Dept Shff
- Jno Smith Jr and James H Smith not found in my county
J C Painer, Dept Shff

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THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To the Constable of Joachim Township
To Francis Creasey - Robert Gambel - Jesa B McNaly [McAnally]

You are hereby commanded to be and appear personally before me W Mockbee one of the Justice of
the peace within and for Joachim Township in the county of Jefferson on the 30 day of January 1860 at
the hour of Ten of the clock in the forenoon of that day at Hillsboro Township and County aforesaid to
testify on the trial of cause wherein the Stat of Missouri vs John Smith in behalf of the State of Missouri
tuching the death of Phidello Williams, and hereof fail not at your peril

- W Mockbee Justice of Peace
Witness my hand this the 23 day of January 1860

- I executed the within writ the County of Jefferson by reading the same in the presence and
hearing of J. B. McNelly [McAnally]- F Crecy - Robert Gambol [Gamble]

Copy of the same one the 26 day of January 1860 in Joachim Township -E. A. Burgess, Dept Constable

THE STATE OF MISSOURI - JEFFERSON COUNTY
To the Constable of Joachim Township
Ferdinand Smith -John Smith Jun'r - James H Smith -Johnson Vaughn

James Vaughn - You are hereby commanded to be and appear personally before me, Wm. Mockbee
one of the Justices of the Peace for said County at Hillsboro in said County of Jefferson and State of
Missouri on the 30th day of January 1860 at the hour of 10 O clock A M of that day in the County
aforesaid to testify on the trial of the cause wherein the, State of Missouri is plaintiff and John Smith is
defendant touching the death of Phidello Williams on the part of the defendant and hereof fail not at
your peril.

- W Mockbee, Justice of the Peace
Witness my hand this 24th day of January 1860

- I Executed the within writ at the County of Jefferson by reading the same in the presence and hearing of Johnson Vaughn & James Vaughn - Ferdinand Smith - John Smith - James H. Smith. Copy of the same at their usual place of and abode on the 26 day of January 1860 in Joachim Township

-E. A Burgess, Dept Constable

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THE STATE OF MISSOURI - COUNTY OF JEFFERSON

To the constable of Joachim Township in the County of Jefferson
To Joshua Goza & Stephen Herrington

You are hereby commanded to be and appear personally before me, William Mockbee, one of the Justice of the Peace within and for the County of Jefferson on the 30 day of January 1860 at the hour of Ten A.M. of that day at Hillsboro in the county aforesaid in behalf of defendant. Testify on a trial of a cause wherein the Stat of Missouri tuching the death of Phidello Williams and hereof fail not at your peril.

- William Mockbee Justice of the Peace
Witness my hand this this 25 day of January 1860

- I executed the within writ at the County of Jefferson by copy of the same at their file of abode on the 26 day of January 1860 in Joachim Township

E. A. Burgess, Dept Constable

THE STATE OF MISSOURI - COUNTY OF JEFFERSON

To the Constable of Joachim Township in County Jefferson
To E Poliat [Politte]

You are hereby commanded to be and appear personally before me, William Mockbee, one of the Justice of the peace within and for the county of Jefferson on the 30 day of January 1860 at the hour of Ten A.M. at Hillsboro county aforesaid to Testify on a Trial of a cause wherein the State of Missouri tuching the death of Phidello Williams in behalf of the State and hereof fail not at your peril

- William Mockbee, Justice of the Peace
Witness my hand this the 25 day of January 1860

- I Executed the within writ at the County of Jefferson by reading the same in the presence and hearing of E. Polete [Politte] on the 27 day of January 1860 in Joachim Township

E. F. Burgess, Dept Constable

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THE STATE OF MISSOURI -COUNTY OF JEFFERSON

To the Constable of Joachim Township
Abram Johnston - John Powers - Elisabeth Corley

You are here by Comanded to be and appear personally before me, W Mockbee on of the Justice of the peace at Hillsboro in Jefferson County the 30 day of January 1860 at the hours of Ten of the Clock of in the forenoon of that day and off County aforesaid to testify in the trial of cause wherin the State of Missouri vs John Smith in behalf of the State of Missouri Tuching the death of Phidelo Williams and hereof will at your peril

- William Mockbee, Justice of Peace
Witness may hand this 24 day of January 1860

- I Executed the within writ at the County of Jefferson by reading the same in presence and hearing of Abram Johnston eqj, Elisabeth Colley & John Powers. A Copy of the same at his usual place of and abode on the 24 day of January 1860

E. F. Burgess, Dept Constable

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STATE OF MISSOURI - COUNTY OF JEFFERSON

HARRIS R WILLIAMS being duly sworn deposes and says that on Saturday the 5th of November 1859 was at Walter Dewitts sale in the aforesaid county of Jefferson where was quite a number of persons heard quarrelling between Saml L Hicks and Jack Vaughn and Mr. Hicks and James Smith about this time saw Phidello Williams with his coat off and saw James Smith holding something in his hand which I took to be a stone and about this time saw Phidello fall and saw on his head a wound inflicted with what I suppose to be a stone and supposed to be the same stone which the said James Smith held in his hand - HARRIS R WILLIAMS

STATE OF MISSOURI - COUNTY OF JEFFERSON

JOHN SCHMIDT being duly sworn deposes and says that on Saturday the 5th day of November 1859 was at Walter Dewitts sale in the aforesaid County of Jefferson where was quite a number of persons. Heard some quarrelling in the crowd between Saml Hicks (-and was inform the other Sarters were Jack Vaughn and James Smith. saw a person make a motion as if to strike Phidello which person was informed was James Smith. is not certain that he saw the stroke but saw Phidello Williams fall and saw a wound on his head made with a sharp instrument, after this saw James Smith with a chisel in his hand - John Schmidt

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STATE OF MISSOURI - COUNTY OF JEFFERSON

JACKSON VAUGHN being duly sworn deposes and says that on Saturday the 5th day of November 1859 was at Walter Dewetts sale in the aforesaid County of Jefferson, where was quite a number of persons had some words with Samuel L. Hicks, and Hicks got over the fence and told me to come over here and we had some few more words made it up and gave our hands on it, Saw Jas. Smith strike Phidello Williams saw him fall and a stone fall with him suppose the same stone that knocked said Williams down. Supposed the distance between them was 3 or 4 feet. Saw Jas Smith after Williams fell standing with a chisel in his hand his -JACKSON VAUGHN [X mark] Attest Wm S. Vons

STATE OF MISSOURI -COUNTY OF JEFFERSON

GEORGE W. DIXON being duly sworn deposes and says that on Saturday the 5th day of November 1859 I was at the residence of Walter Dewitt in the aforesaid County of Jefferson, where Mr. Dewitts was selling his property at public sale, heard an good deal of quarrelling in the crowd which believe was between Saml L Hicks & Jack Vaughn, heard the deceased Phidello Williams remark, dam it boys quit it about this time I some person strike Mr. Williams with some instrument which from the wound inflicted was a slung shot, which person was pointed out to me to be James Smith (son of John Smith)
-G.N. DIXON

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STATE OF MISSOURI - COUNTY OF JEFFERSON

SAMUEL L. HICKS being duly sworn deposes and says that on Saturday the 5th day of November 1859 was at the residence of Walter Dewitt in the aforesaid County of Jefferson where was a Public Sale at which place were several persons and their deponents was quarreling with Jack Vaughn and James Smith come by said no quarrelling or fuss. Prace here Phidello Williams dec'd pulling off his coat and deponent thinks his intention in pulling off his coat was to prevent two or three persons from jumping in deponent at once about which time saw James Smith throw a stone (which stone is here shown to the jury) and strike the said Phidello Williams on the head which made a cut of about 1 1/3 inches in length near the left eye, said deponent picked said stone immediately on falling from the head of Phidello Williams
-Samuel L. HICKS

STATE OF MISSOURI -COUNTY OF JEFFERSON

GEORGE HENDRICKSON being duly sworn deposes and says that on Saturday the 5th November 1859 was at the residence of Walter Dewitt in the aforesaid County of Jefferson at which place was a public sale and several persons were there, heard a good deal of quarrelling in the crowd between Sam'l L Hicks and Jack Vaughn, and heard Phidello Williams trying to make peace, some time after or about this time saw Phidello falling as if from a stroke and saw him alter his fall and saw a cut on his head as if made with a blunt instrument, saw James Smith with a two inch auger in his hand advancing to where Phidello Williams was lying, and defendant remarked to said Smith, come Jim that won't do and took hold of the auger when said Smith gave it up without hesitation
-GEORGE HENDRICKSON

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STATE OF MISSOURI - COUNTY OF JEFFERSON

WM. H. HENDRICKSON being duly sworn deposed and says that on the 5th day of November 1859 was at Walter Dewetts sale in the aforesaid County of Jefferson where was quite a number of persons heard quarreling between Samuel L. Hicks and Jackson Vaughn and James Smith, Saw Phidello Williams pull off his coat and hat and said not to impose upon Hicks about that time he turned from the crowd about that time saw a rock strike Phidello Williams above the left eye - WILLIAM H HENDRICKSON

STATE OF MISSOURI - COUNTY OF JEFFERSON

CHARLES THOMAS being duly sworn deposes and says that on the 5th day of November 1859
(No statement here)

STATE OF MISSOURI - COUNTY OF JEFFERSON

ELIZABETH CORLEY being duly sworn deposes and says that on the 6th day of November 1859 being at the house of John Smith's the father of James Smith, he heard Mr. John Smith say that James Smith his son done as I told him to do. -ELIZABETH CORLEY [her mark X]

STATE OF MISSOURI - COUNTY OF JEFFERSON

WARREN CORLEY being duly sworn deposes and says that on 6th day of November 1859 being at the house of Mr. John Smith - father of James Smith - Mr. John Smith asked deponent to step around the house and told me that James Smith his son had very near killed Phidello Williams, deponent asked where James Smith was, and John Smith said that he had left. - WARREN C. CORLEY

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STATE OF MISSOURI- County of JEFFERSON

I, William Mockbee, an acting Justice of the peace in and for said County & acting as Coroner therein do hereby certify that the foregoing is all the testimony verdict of the Jury and Inquisition taken by me over the body of Phidelo Williams, late of said County deceased and that each of said witnesses and Jurors Subscribed their respective names as are herein shown in my presence on the said 27th day of November A .D 1859

- William Mockbee, Justice of Peace

Given under my hand the day and year last aforesaid

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STATE OF MISSOURI -COUNTY OF JEFFERSON

This Afforance - Bales Fry states upon oath that one John Smith did on the 5th day of November 1859 unlawfully & feloniously assault and strike with a rock on Phidello Williams

Bales Fry

Subscribed and sworn to before me this the 23 day of January 1860

Wm Mockbee J P

THE STATE OF MISSOURI - County of Jefferson

To any constable of Jefferson or to the Sheriff

GREETING:

Whereas Bales Fry hath this Day given information upon oath to me W Mockbee Justice of the peace within and for Joachim township Jefferson County that on the 5 Day of November last in the county aforesaid one John Smith did there and then assault and strike Phidello Williams with a rock in a menacing manner these are therefore to Command you to apprehend the said John Smith forthwith and bring him before me to answer the premises and fourth to be Dealt with according to Law.

Given under my Hand this the 23 day of January 1860

Wm Mockbee, Justice of the Peace

Warrant

State of Missouri vs John Smith

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State of MISSOURI- County of Jefferson

We do hereby certify that the foregoing is a true copy of the evidence taken before us on the 30th of January 1860 in the case of the State of Missouri against John Smith.

Given under our hands, at Hillsboro, this 7th day of February 1860,

W. Mockbee, JP
Jos. P. Hesser, JP

We also certify that we believe there was probable cause for said prosecution.

W. Mockbee, JP
Jos. P. Hesser, JP

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STATE WARRANT: STATE OF MISSOURI - COUNTY OF JEFFERSON

LANDON WILLIAMS being sworn states that on or about the 5th day of November 1859, one JAMES SMITH did willfully, deliberately & premeditatedly kill one PHIDELO WILLIAMS with a stone, at Jefferson County, Missouri. That JOHN SMITH is an accessory before the murder and also is guilty as a principal in the second degree by being present & aiding also counseling said JAMES SMITH in committing the criminal offence. LANDON WILLIAMS [his mark X]

Subscribed & sworn to before me this 3d of January 1860

- done this 30th day of January 1860
W MCGHEE - JP

The State of Missouri to the Sheriff of Jefferson County Missouri or any constable of said County

GREETINGS:

Whereas LANDON WILLIAMS has made oath before the undersigned Justice of the Peace of said County that JAMES SMITH did feloniously kill PHIDELO WILLIAMS at Jefferson County MO about the 5th day of November 1859 and that JOHN SMITH is an accessory to the offence and is also a principal in the second degree, these are therefore to command you in the name of the State of Missouri to arrest said JOHN SMITH and bring him forthwith before the undersigned at the Court House in Hillsboro MO to answer said complaint the death with according to law.

Given under my hand this 30th day of January 1860
W MOCKBEE J P

- I executed the within writ on JOHN SMITH by his acknowledging the service of it on the 30th day of January 1860
- Oscar Dover, Sheriff

*****29

STATE OF MISSOURI - COUNTY OF JEFFERSON
To the Sheriff of the County of Jefferson

GREETING:

We command you to take JAMES 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 2nd Monday after the 4th Monday in November next at Hillsboro with 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, Murder contrary to the form of the Statue in such case made and provided, and against the peace and dignity of the State.

WITNESS, Elias F. Honey, Clerk of our said Circuit Court with the seal thereof hereto affixed, at office, this 12th day of July A.D. Eighteen Hundred and Sixty
(SEAL) Eilas F. Honey, Clerk Circuit Court

Notation: James Smith not found within my County
- Oscar D. Dover Sheriff

*****30

STATE OF MISSOURI - COUNTY OF JEFFERSON
To the Sheriff of the County of Jefferson

GREETING:

We command you to take JOHN 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, forthwith 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 Murder contrary to the form of the Statue in such case made and provided and against the peace and dignity of the State.

WITNESS, Elias F. Honey, Clerk of our said Circuit Court with the seal thereof hereto affixed, at office, this 16 day of June A. D. Eighteen Hundred and Sixty
(SEAL) Elias F. Honey, Clerk Circuit Court

*****31

JOHN SMITHS BOND

Taken and approved by me, Oscar Dover - Sheriff

Know all men by these presents [present] that I, JOHN SMITH as principal and we, WILLIAM SHELDON, JOHN EVANS as Security are held and firmly bound unto the State of Missouri in the full and just sum of One Thousand dollars to the payment whereof will and truly to be made.
We bind ourselves our heirs executors and administrators forever. Sealed with our Seals and dated this twenty third day of January A.D. 1860.

The condition of the alive bond is that of JOHN SITITH alive bound, shall personally be and appear before WILLIAM MOCKBEE a Justice of the peace for Joachim Township in Jefferson County Missouri on the

thirtieth (30th) day of January Next (1860) then and there to answer a charge preferred against and shall not depart therefrom without leave. There the alive bond to be void else of full force.

JOHN SMITH (his mark X) (LS)
WILLIAM SHELTON (his mark X) (LS)
JOHN EVANS (his mark X) (LS)

Attest

E. F. HONEY

*****32

TO CIRCUIT COURT June Term 1861
State vs John Smith

for defendant -
Louis Herrington
John Goza
Jackson Vaughn

STATE OF MISSOURI - COUNTY OF JEFFERSON
To Louis Herrington -John Goza -Jackson Vaughn

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of May 1861 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of defendant and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at
office this 30th day of April A.D. 1861
(SEAL) Elias F. Honey, Clerk

*****33

TO CIRCUIT COURT June Term 1861
State vs John Smith

for Plaintiff -
Saml. Hicks
Wm. West
Abrm Johnston
Frank Creasey

STATE OF MISSOURI - COUNTY OF JEFFERSON
To Sam'l Hicks - Wm. West - Abram. Johnston - Frank Creasey

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of June 1861 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this 26th, day of April A.D. 1861

(SEAL) Elias F. Honey, Clerk

*****34

TO JEFFERSON CIRCUIT COURT June Term, 1861
State vs John Smith

for Piff -
J. B. McAnnally
Geo. Hendrickson
David Bryant
Harris R. Williams

STATE OF MISSOURI - COUNTY OF JEFFERSON
To J. B McAnnally - George Hendrickson - David Bryant - Harris R. Williams

GREETING:

YOU ARE HEREBY COMMANDED that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of June next at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the Seal thereof hereto affixed, at office, this 14th day of May, A.D. 1861

(SEAL) Elias F. Honey, Clerk

*****35

TO JEFFERSON CIRCUIT COURT
State vs John Smith

for Plaintiff -
Warren C Corley
Elizab. Corley
Thos. Lee
Mary A Horine

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To Warren C Corley - Elizabeth Corley - Thos. Lee - Mary Ann Horine

GREETING:

YOU ARE HIMBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of June next at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part or Plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the Seal thereof hereto affixed, at
office, this 14th day of May A.D. 1861
(SEAL) Elias F. Honey, Clerk

*****36

TO CIRCUIT COURT June Term 1861
State vs John Smith

for defendant-
John Smith Jr 15 (written in pencil)
Ferdn Smith
Jas H Smith
Geo. Whitehead

STATE OF MISSOURI - COUNTY OF JEFFERSON
To John Smith Jr. - Ferdinand Smith - Jas H Smith -George Whitehead

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 11th day of June 1861 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of defendant and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at
office this 30th day of April, A.D. 1861
(SEAL) Elias F. Honey, Clerk

*****37

TO Jefferson CIRCUIT COURT June Term 1862
State vs John Smith

For deft-
John Smith Jr.

Ferd K. Smith
Jas. H. Smith
Geo Whitehead

STATE OF MISSOURI - COUNTY OF JEFFERSON

To John Smith Jr. - Ferdinand K. Smith - Jas. H. Smith - George Whitehead

GREETING:

YOU ARE HEREDY COMMANDED, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 10th day of June 1862 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri, Plaintiff and John Smith is Defendant on the part of defendant and herein you are in no wise to fail.

Witness, ELIAS F. HONEY; Clerk of our said Court, with the Seal thereof hereto affixed, at office, this 21st day of May A.D. 1862
(Seal) Elias F. Honey, Clerk

- I Executed the Within Writ in the County of Jefferson on the 3rd day of May 1862 by Reading the same in the presents [presence] and hearing of J H and F J Smith, G E Whitehead
-sworn to before me June 9th 1862
Elias F. Honey, Clerk (Seal)

*****38

TO JEFFERSON CIRCUIT COURT June Term, 1862
State vs John Smith

for Plaintiff -
Mary Ann Horine
Frances Ann Williams
Warren C. Corley
Mrs. W. C. Corley
J. B. McAnally
Jno M. Bailey

STATE OF MISSOURI - COUNTY OF JEFFERSON

To Mary Ann Horine - Francis Ann Williams - Warren Corley - Mrs. Warren Corley - J. B McAnally - Jno M. Bailey

GREETING:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 10th day of June 1862 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri, Plaintiff and John Smith, Defendant on the part of Plaintiff and wherein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the Seal thereof hereto
affixed, at office, this day of ___ A.D. 186-

(Seal)

Elias P. I Honey, Clerk

-I Served the within by Reading the Same in the presents [presence] and hearing of John M
Bailey, Jesse B McAnally and Warren C Corley and wife on the 4th day of June 1862

*****39

To JEFFERSON CIRCUIT COURT State vs John Smith

for Plaintiff -

Sam'l Hicks

Dr. Wm. West

Abrm Johnston

F. Creasey

STATE OF MISSOURI - COUNTY OF JEFFERSON

To Samuel. Hicks - Dr. Wm. West - Abrah Johnston - F. Creasey

GREETING:

YOU ARE HEREBY Comanded, That setting aside all manner of excuse and delay, you appear before our
Circuit Court for the County aforesaid, on the 10th day of June 1862 at Hillsboro, then and there to
testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein
the State of Missouri is Plaintiff and John Smith is Defendant on the part of plaintiff and herein you are
in no wise to fail.

Witness, ELIAS S F. HONEY, Clerk of our said Court, with the Seal thereof hereto
affixed, at office, this 7th day of May A.D. 1862

(Seal)

Elias F. Honey, Clerk

- Served the Within Writ by Reading the Same in the presents [presence] and hearing of Wm
West , Abrm Johnston, F Creasey and Samuel Hick on the 23d day of May 1862

J C Painer, Dept Shff

*****40

TO JEFFERSON CIRCUIT COURT December Term, 1862

State vs Jno Smith

for defendant -

Jno Smith Jr

F. K. Smith

Jas H. Smith

Geo Whitehead

THE STATE OF MISSOURI - COUNTY OF JEFFERSON

To John Smith Jr. - Ferd K Smith - Jas H Smith -George Whitehead

GREETING:

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 9th day of December 1862 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith, Defendant, on the part of defendant and herein you are in no wise to fail.

Witness, ELLIS F. HONEY, Clerk of our said Court, with the Seal thereof hereto affixed, at office, this 2nd day of December A.D. 1862

(Seal)

Elias T. Honey, Clerk

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To JEFFERSON CIRCUIT COURT December Term, 1862

State vs John Smith

For Plaintiff -

Sam'l Hicks

Wm West

Abram Johnston

Frank Creasey

THE STATE OF MISSOURI - COUNTY OF JEFFERSON

To Sam'l Hicks - Wm. West - Abram Johnston – Frank Creasey

GREETING:

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 9th day of December 1862 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELLIS F. HONEY, Clerk of our said Court, with the Seal thereof hereto affixed, at office, this 21st day of October 1862

(Seal)

Elias F. Honey, Clerk

- I Executed the within writ in Jefferson County MO by reading or its Equivalent in the presents [presence] & hearing of Saml. Hicks, Wm West & Abraham Johnston October the 29, 1862
- Frank Creasey not found in my County

C. T. Moss Dept Sheriff Jeff-Co-Mo

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TO JEFFERSON CIRCUIT COURT January Term, 1863
State vs Jno. Smith

for Plaintiff-
Saml S. Hicks
Wm West
Abram Johnston

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
TO Saml S. Hicks – Wm West - Abram Johnston

GREETING:

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 13th day of January 1863 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri, Plaintiff and John Smith is Defendant on the part of plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto
affixed, at office, this 9th day of December A.D. 1862

(SEAL)

Elias T. Honey, Clerk

- I Executed the within writ on Wm. West By Reading the same in his Presence and hearing this 17th Day of December 1862 also on Samuel L. Hicks by Reading the same in his Presence and hearing on the 19th of December 1862. - F. B. Dover, Sheriff
- I Executed the within writ on Abram Johnston by reading the same in his presence and hearing this 7th day of January 1863. - F. B. Dover, Sheriff by T. S. Moss Deputy

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TO JEFFERSON CIRCUIT COURT January Term, 1863
State vs Jno Smith

for deff -
Jno Smith Jr
Ford K. Smith
Jas. H. Smith
Geo Whitehead

THE STATE OF MISSOURI - COUNTY OF JEFFERSON
To John Smith Jr - Ferd K Smith - Jas H. Smith – George Whitehead

GREETING:

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 13th day of January 1863 at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein the State of Missouri is Plaintiff and John Smith is Defendant on the part of defendant and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office, this 9th day of December A.D. 1862
(SEAL) Elias F. Honey, Clerk
- I Executed the within writ on George Whitehead & Ferd H Smith by Reading the Same in their Presence and hearing this 2nd Day of January 1863
J. B. Shanem, Sheriff (Doner)
- also on Jas. H. Smith by Leaving A copy at his usual Place of abode with a white person of his family over the age of 15 this 2nd Day of January 1863
J. B. Doner, Sheriff
- I Executed the within writ on John Smith by Reading the Same in his hearing January 7, 1863.
Watson McCormack, Const

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TO JEFFERSON CIRCUIT COURT January Term, 1863
State vs Jno Smith

for deff-
A J Manwaring

THE STATE OF MISSOURI -COUNTY OF JEFFERSON
To A J Manwaring

GREETING:
YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the forthwith at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein State Plaintiff and Jno Smith is Defendant on the part of and herein you are in no wise to fail.

Witness, ELIAS F. HONEY Clerk of our said Court with the Seal thereof hereto affixed, at office, this 13th day of January A.D. 1863
(Seal) Elias F. Honey, Clerk
- I served the within writ on the 13t day of January 1863 by Reading the same in the presents [presence] and hearing of A J Manwaring

*****45

TO JEFFERSON CIRCUIT COURT January Term, 1863
Warren C. Corley & Mrs. Corley

THE STATE OF MISSOURI - COUNTY OF JEFFERSON

GREETING:

YOU HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the forthwith (Day of January 1863 in pencil) at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, therein State of Missouri, Plaintiff and John Smith, Defendant on the part of plff and herein you are in no Wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the Seal thereof
hereto affixed, at office, this day of ___ A.D. 186-
(Seal) Elias F. Honey, Clerk

- I Served the Within Writ by Reading the same in the presents [presence] and hearing of Warren C. Corley & Mrs. Corley on the 13th day January 1863

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TO JEFFERSON CIRCUIT COURT January Term, 1863
State vs Jno Smith

for Plff -
J B McAnally

THE STATE OF MISSOURI - County Of Jefferson
To Jane B McAnally

GREETING:

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the forthwith at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein State, Plaintiff and Jno Smith, Defendant on the part of plaintiff and herein you are in no wise to fail.

Witness, ELIA.S HONEY, Clerk of our said Court with the Seal thereof hereto
affixed, at office, this 13 day of January A.D, 1863.
(SEAL) Elias. F. Honey, Clerk

- I executed the within Writ by Reading the same in the presents [presence] and hearing of J B McAnally on the 13th day of Jan 1863 - Watson McCormack

Sworn to before me Jan 13, 1863 E.F. Honey

*****47

STATE vs - Venire for Jury
John Smith

STATE OF MISSOURI -COUNTY OF JEFFERSON

The State of Missouri to the Sheriff of Jefferson County

GREETING:

We command you that you summon thirty six lawful men of your County qualified to serve as jurors and who are not of kin to either party to appear before the Circuit Court of said County on Tuesday the 13th day of January to make a jury in the action between the State of Missouri plaintiff and John Smith defendant, because as well the said plaintiff and the said defendant have put themselves in the County for trial, and have you then there the names of the jury and this writ.

In witness whereof I hereto set my hand and affix the seal of said Court this 12th day of
January AD 1863

(SEAL)

Elias F. Honey, Clerk

- I Executed the within writ by summoning thirty six lawful men of my County qualified to serve as Jurors who are of not of kin to either party to appear before the Circuit Court of said County on the 13th Day of January to make a jury in the action the state of Missouri, plaintiff and John Smith, Defendant -Jerome B. Dover, Sheriff

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(FIRST LIST)

(Markings as on the original copy)

Tho Burgess Sr	Jno A. Hensley
Leon Metts	Tho Edwards
Frances	Tho L Donnell
A. Partnay	Isaac Burgan
Wm Cook	W H Washburn
Alx Haile	J D Waters
Eph Beckett	Jery Steward
D Huskey	Jno W A Miller
Mads. Graham	C T Moss
Geo McFry	Jas F Foster
Isaac Cadallader Jr	Jno A Herrington
Jos Bechler	E F Wilson
Wm Metts	M Leppe
Henry Bonacker	
Jacob Haverstick	N Pounds
Jas James	Jn Huskey
Lauren Moss	Jas Evans
Boyle Naney	Wm F Williams
A D Stephens	J S Williams
Wm Stroup	Wm A Donnell
Jno P Spech	Wm Ogle
Jas G Johnson	Henry Langehaney

Geo. Wiley
Saml Prentiss

Thos Farley
Lee Hensley

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(Second List) STATE vs SMITH Jury Pan

Thos B Burgess Senr	Jerry Stewart
Leond Metts	J A Miller
A Parntay	Jno A Herrington
Wm Cook	Jno A Hensley
Alx Haile	N. Pounds
Eph Beckett	Wm F Williams
Mads. Graham	Jas W Williams
Geo McFry	Henry Langehaney
Jos Bechler	Tho Farley
Wm Metts	Leander Hensley
Henry Bonacker	
Jacob Haverstick	
Jas James	
B Naney	
A S Stephens	
Wm Stroup	
Jno P Spech	
Geo. Wiley	
Saml Prentiss	
Thos Edwards	
Thomas L Donnell	
Isasc Bergan	
W H Washburn	
I D Waters	

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STATE vs JOHN SMITH)

JOHN SMITH - DEFENDANT being informed of the charge against him & that he is not bound to answer any question put to him, states that the first thing he heard on the day of the difficulty was a quarrel between Jack Vaughn & Hicks - It commenced about Hicks having Jim Vaughn hired - All get over the fence - Some walked down to the back of the house - Jack Vaughn said that if they would take Hicks weapons from him that he would whip him - When he said that Fidello said that his weapons should not be taken from him - James Smith was to my right & he says when you are through I have something to say to Hicks - Hicks has said that I have lied - Witness says to Jim Smith not to make a fuss- I thought then that it was done - The next thing I heard was a quarrel between Hicks, & Jim Smith - Jim had pulled his coat off - & then he put it on - As I walked up Jim shook his fist & told Hicks not to call him a liar - When Jim done that - Hicks said he is sick - Witness took Jim by the arm then told Jim to go away & not to fight Hicks - Jim then went away & then that difficulty ended - In a few minutes afterward as

several of us were going to the hog pen - we met Hicks & Fidello Williams when Hicks said - Jim you did not treat me right about that money - Jim then said that he did - Fidello was then standing behind Hicks- when he stepped forward a struck Hicks on the shoulder, & said Hicks you are not sick I am here - When he said that - I said Fidello if I were you, I would have nothing to do with it- Fidello then pulled off his coat & said - Jno Smith I can whip your big nigger son , - When he said that - young Jno Smith caught Williams - Williams then jerked two or three times & then struck at him - but did not touch him - as Jno Smith knocked it off - Old Jno Smith then said Jno I would not take that, I would knock him - Just at that time Williams was struck by a rock & fell immediately - As he fell the rock rolled - when Hicks grabbed it - & motioned it as if to strike James Smith - I then said Hicks you dare throw that rock - I will cut your guts out - I then told Hicks to lay the rock down & he did - Ferd Smith then got the rock - The rock seemed to be a little bigger at one end than at the other- His hand nearly covered it - It came to an arrow egru at one end - I took it to be a small sprawl off of the chimney - I did not know that Jim had a rock - I did not have a rock in my hand that day - I told Fidello not to have anything to do with it – I never told Jim to strike to strike Williams – When Fidello struck at Jno Smith I stepped behind him (Jno Smith). I was four or five steps from Jim Smith when the blow was given - Jim Smith is my son ,- He is twenty four next August - I was on good terms with Fidello Williams - I never said that there was an old grudge settled –

Mrs. Corley was at my house on the 6th of November - His wife & child came with him - We were just ready to eat supper - McAnally said that there had been a fuss on the Merrimac – Mrs. McAnally then asked where was Jim - I told her that a warrant was issued after him - She then said that Williams did not get that lick too soon - She said that she was afraid of Williams & that she would have nothing to do with any of them - My daughter Sarah was with Mrs. Corley - Does not know where Jim Smith is - or never heard of him but once - My daughter Sarah came in the room with Mrs. Corley & was there during our conversation. - Jno Smith Sr [X]

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STATE OF MISSOURI vs JOHN SMITH

Evidence for the plaintiff} viz. ~

John Powers - being sworn in says that he was present at Walter Dewitts in Jefferson Co on Nov 1859 – There was a difficulty between Jack Vaugh and Samuel Hicks – While the difficulty was going on between Vaugh & Hicks, Fidelo Williams interfered, and told Goza to not hold Hicks – that he had seen men hurt – Then Williams stepped back and threwed his coat off and went in before A Johnson, Hicks and himself – Fidelo said he did not wish to see a difficulty raised. Next saw James Smith stoop down and then he drew his arm back and then heard the lick – saw Williams then fall at his (Powers) feet, and also saw a rock or stone fall with him. Hicks then picked the rock up and drew it on John Smith – Williams was then lying on the ground with a wound of the left side of his head – the cut was about two inches long – Williams laid senseless on the ground about one minute. Don't know who picked him up – supposes that Dr. Hill dressed the wound – Don't know when Williams died – A week afterwards saw him at Hensley's sale with his tied up – saw Jno Smith when the difficulty occurred. Heard a voice in the crowd said that there was an old grudge settled. Did not know the voice that spoke – Did not hear anything the Mr. Smith said there at that time – his attention was not directed to Mr. Smith at that time.

Cross Examined - John C Power

Mrs. Corley - being produced, & sworn states that-

Jno Smith said that James Smith had done what he told him to do. This was said on the Sunday after the difficulty - It was at Mr. Jno Smith's house. Did not hear Smith say anything mine says - Heard this conversation before Fidelo Williams died - She & her husband. Mr. Smith & his wife present - It was after night - had the table set when she went there, she did not state that she was afraid of Fidelo Williams. Smith said that - Williams was acting in a very boisterous manner - She did not remember that Williams received that lick too soon - She did not stay but an hour at Mr. Smiths - Jim Smith did not say that James Smith struck Williams - Did not recollect whether Sarah Smith was in the room or not at the time - but she might have been - Elizabeth Corley [her mark X]

JESSIE McANALLY being sworn states that - He was present when James Smith struck Fidelo Williams. He was sitting on the fence about fifteen steps off & he heard some words, & run up behind Williams. Williams stood about - as long as it would take him to count five, & then fell, ~~saw James Smith step down and pick up something, but does not know what struck Williams.~~ The rock came from direction where Mr. Smith was standing - It was the second rock. James was standing behind his father - He does not know exactly how he did stand. Mr. Williams was standing facing the north, & Jno Smith, & his son was standing on the right - There were two rocks thrown. After Williams fell James Smith picked up a chisel & put it behind his coat - & told Williams that he must not quarrel with him - Williams was lying in a few feet of Smith

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when he spoke - It was some time before Williams spoke. When he turned around Williams was up, & the first words he spoke was that they would have to pay for that. Jno Smith said that there was no old grudge settled - Never saw Fidel Williams speak to either James Smith or Jno Smith - Never heard a word spoke - but merely saw the blow. He thought that - he was quarreling with young Jno Smith - There were two Smiths on one side - & Williams on the other - He did not know where young John Smith was standing at the time. The difficulty originated between Jack Vaughn & Hicks - when James Smith got over the fence he told Jack Vaughn to say what he pleased - Williams then said Boys drop that - It was sometime before Williams was struck

Cross X

Wanted to search Hicks to see if he had weapons, & Fidello Williams said should not be done. James Smith pulled off his coat & wanted to whip Hicks & some of the boys told him that Hicks had been sick - Fidello Williams said they should not whip Hicks - Do not know whether Jno Smith told James Smith to come away or not - When James Smith pulled off his coat, & the boys told him that Hicks was sick he said that he would knock him in his coffin if he fooled with him. Fidello had pulled his coat off & was rolling up his sleeves- was behind Fidello when he come up - Jno Smith was not far from Williams- Fidello was facing young Jno Smith - James Smith & Jno Smith were about four steps off - Did not know why Williams pulled off his coat - Did not see him strike at young Jno Smith - Young Jim Smith struck him first - Williams stood as long as it would take him to count five. Saw James Smith make the lick - struck him on the left temple but does not know what it was that struck. As he fell he saw the rock strike him - Did not see the stone pass from James Smiths hand - Heard several say that a stone was thrown - Williams was not saying anything- Does not know whose voice he heard - Did not hear any one speak until Williams fell - Hicks & Vaughn was standing close to Jno Smith - & his son - He was about the first

man that got there- He never heard James Smith say anything - Thought Jno Smith threw the rock - Men were crowding around Jno Smith- so that he could not see him - Jack Vaughn was standing by Jno Smith - Did not see Jno Smith make any motion with his hand - Did not see any but the last stone - Does not know positively that Jno Smith threw the stone - Saw the second stone coming- that stone did not hurt him - He stepped back a few steps when he fell - He fell on his right shoulder - After he fell all crowded up where Jno Smith & James Smith were standing - He had heard that Williams & James Smith had an old grudge between them - He did not hear any other remark - Did not hear Fidello say anything but that "he would make them pay for it" - Did not hear Fidello curse James Smith. He thought that Williams wanted to fight young Jno Smith - He thought that he saw young Jno Smith pull Williams around - At the time Williams pulled off his coat Jno Smith was the nearest to him - Did not touch Williams - Did not see any one pick up the stone - Don't know whether it was a stone or not - as he had never seen it

- Jesse B McAnally

A. JOHNSON being sworn states that - He was present when Fidello Williams was struck - After the first difficulty between Vaughn & Hicks had subsided - Vaughn was going to jump on Hicks - James Smith told Vaughn to whip Hicks - Fidello told Jim not to strike Hicks - Fidello was standing still when James Smith struck him - Saw the lick & saw Williams fall - Struck him about the temple - He knew of no occasion why Smith struck him. When James Smith struck him, Jno Smith was standing about three feet off & said that he knew Jim would hurt him. Before Jim struck him, Fidello,

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Jno Smith said now is your time Jim, give it to him - It was not more than one minute before Jim struck Fidello - Jno Smith was about four or five feet from him (Johnson)- After ~~he was~~ Williams was struck Jno Smith said he did just as I told him - Did not hear Jno Smith say anything more - but heard him & Hicks have a few words -

Cross X

He was not examined at the inquest over Williams body - but was subpoenaed - Jim took up for Vaughn - but Fidello not take up for any one - Fidello said that - they should not whip Hicks - This about two minutes before the lick was struck - He was there all the time - Fidello was not quarrelling with any one in particular - Vaughn was cursing some - I heard Jno Smith talking some but not much - Fidello had his coat off - Heard Jno Smith say give it to him now is the time - Saw Jim Smith make a motion & immediately after saw a rock fall - Jno Smith did not throw a rock he knows of - Hicks picked the rock up, & wanted to hit Jno Smith with it - When Fidello rushed in Jim stopped back & pulled his hand out of his pockets- Fidello pushed him (Johnson) aside & went towards Jim - Did not see John Smith trying to make peace - Did not see two rocks thrown - All that he heard said was that which Jno Smith & Jim Smith & Fidello Williams - Jim was on his (Johnson) left & Jno was on his right- Jno Smith did not throw a stone - When Jim struck he turned to him & his eye was turned to Jim - When Fidello stepped forward he did not address any one - Jno Smith said something & Fidello turned towards him & just then Jim struck him - He does not know whether Jno Smith addressed Williams or not. -A J Johnston

ROBERT GAMBLE being sworn states that - He was at Dewitts when Jim Smith struck Fidello, saw Jim Smith raise his hand & was Fidello was talking at the time - Saw Mr. Jno Smith there but did not hear him or Jim say anything at the time - Before Jim struck him - Williams - he heard Jno Smith tell him (Jim) to strike Williams - Does not know how long it was before Jim struck him - but it was not very long

Cross X

Witness says he was there all the time but did not come into the crowd until the second fuss - Fidello did not have his coat off when he first came up - Fidello then, rolled up his sleeve - Thinks he was trying to settle the difficulty. He was in favor of Hicks - Heard Williams talking but did not understand what he was saying - He was talking to Jim Smith some - Did not see Abraham Johnson there - At the time Williams was struck no one was between him & Jim Smith. Did not see but one stone fall & Fidello fell - He was struck on the right temple. Did not see McAnally doing anything - Don't know where young Jno Smith was standing - young Jno Smith had some words with Fidello - Did not see old Jno Smith do anything - Did not see any one pick up the rock - Fidello was cussing & swearing some - Fidello rolled up the sleeve of his short arm - Jno Smith spoke to Jim - Young Jno Smith was standing about four or five feet from Fidello - Don't know whether there anyone between Jno Smith & Jim Smith - Witness was about five feet from Jim Smith - Fidello said a good deal but he did not understand. Hicks was saying something about Jim Smith sueing him - He did not hear Vaughn say anything - Heard Jack Vaughn cursing - Jno Smith did not speak louder than anyone else - Williams was standing still when he was struck -

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Heard several talking about Jno Smith is telling Jim to strike him Williams - after Williams was struck
-Robert Gamel

DR. T. R. BRUCE -Being sworn states that - He assisted at the "Post Mortem" examination over the body of Fidello Williams - Found a wound on his left temple about one inch & a half long - His skull was broken in there was an abscess formed in the brain - His impression was that it was a mortal wound - He formed nothing else which could have caused his death - He discovered no other wound upon him - Does not know how long he was sick - From the time he made his first visit to the time he assisted in the post-mortem examination was eight days - but from his first visit to his death was six days - To the best of his recollection the weather was changeable - His impression is that - There are many such wounds he said
-T. R. Bruce

FRANCIS CREASY - being sworn states that - He was present when Williams was struck - Williams went to go in between Jim Smith & Hicks, & told them not to fight - young Jno Smith pulled Williams back - Williams ran in between them when Jno Smith says hit him Jim - Saw Jim motion his hand & Fidello fell - Hicks picked up the rock & run around as if he would hit Jim Smith - Don't know who Jno Smith told Jim to hit - saw the rock fall after Jim Smiths hand come over - Fidello was in between the two men that were going to fight when he was struck - Williams threw off his coat to keep them from fighting - Did not see Williams attempt to strike any one -

Cross X

He was there at the first difficulty - I was standing on the edge of crowd when the difficulty took place - Williams said that Smith & Hicks should not fight - Old Jno Smith was about six feet from young Jno Smith & about five or six from Jim - Fidello was a friend of Hicks - Had no conversation with Mr. Williams about this difficulty - Williams pulled his coat off when Jno Smith pulled him back & he then come up between Jim Smith & Hicks - Fidello said that they shall not fight - Jack Vaughn was back in the crowd - Fidello did not fall until the stone dropped down - Did not see Jno Smith do anything - When Jno Smith spoke I looked around at him. - Francis Creasy [his mark X]

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FERDINAND SMITH - Being sworn states that - He was present at the fight at Mr. DeWetts the first he saw was before Williams was struck. Saw him pull off his coat - When I came up Fidello Williams - Hicks - Jack Vaughn - Jim Smith appeared to be in a difficulty - The first thing I observed was that Williams struck at young Jno Smith – Fidello appeared at the time as if he was trying to get to Jim Smith - Jim Smith did not do anything min - Williams then had his coat off - Williams then drew back his hand as if to strike Jim Smith - He was hardly near enough to strike Jim Smith - I do not know exactly that he struck at Jim Smith - but thinks he did - He was then struck with a rock - He was struck above the left eye - He then fell- not instantly - Saw the rock fall from his head - The rock fell down by his shoulders - thinks the rock hit the ground before Williams- Do not know where old Jno Smith was standing- the rock had three edges - It came to a corner at one end - thinks it would weigh a pound - Looked as if it was a spawl - Sometime afterwards I picked up the rock - Does not know what Jno Smith said - Did not see old Jno Smith do anything at the time after the lick was struck - Hicks picked up the rock as if to hit Jim Smith - & then Jno Smith said that you must not throw that rock - Did not hear Jno Smith that there was an old grudge settled - As did not hear him say "hit him Jim ," - Did not see Jno Smith take hold of Williams & tell him to have no fuss - Heard him tell young Jno Smith that he would not take that - Did not see Jno Smith near Jim Smith - Fidello was rather between me & Jim Smith - Did not see Williams push any one as he was going towards Jim Smith - Did not notice McAnally there- Fidello appeared to be drinking some little - I think he was affected by whiskey - Did hear Williams swear - Williams appeared to be excited - All were excited a little – Jim Smith stood still - Saw Fidello roll up his sleeve - It was his short arm - I saw him strike that day at young Jno Smith with his short arm - Never saw Williams in many fusses - Williams took sides with Hicks - Jim Smith & Hicks had been quarreling fifteen minutes before - When they came up they commenced their second quarrel but do not know who commenced it –

Cross X

When Fidello pulled his coat off I came up - Jno Smith then pulled him back - Williams then struck at him but Jno Smith knocked his lick off - Jno Smith took hold of him but I do not know whether he was hold of him or not when Williams struck - Williams was hardly close enough to Jim to strike him - He was then struck with a rock - Do not know whether any one was between Jno Smith or Jim Smith or not - did not see who threw the rock - fell immediately – Don't know, when old Jno Smith was at that time - I could not say that Jim Smith struck Williams - Did not know whether Jim Smith had a rock in his pocket - Did not see Jim with any rock - Did not tell Charley Thomas that Jim put a rock in his pocket - if I did I do not recollect it - Fidello was intoxicated some - Jno Smith & Jim Smith were sober at the time - Do not know that Jim Smith is in Jeff Co – Don't know where he is - At the time When Williams was struck - I did not have my attention turned towards Jno Smith - but after the lick I saw Jim Smith & Jno Smith - F K Smith

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JOHN SMITH JR - Being sworn states that - I was at Walter Dewetts on the 5th day of Nov 1859 - It was said to be a sale -There were forty or fifty there -The first that started the fuss was Jack Vaughn taking up a glass of Whiskey & said here Hicks - to beans & bacon - The first fuss was settled - The next difficulty arose when they were over the fence - Hicks said Smith you have not acted a gentleman with me – Jim Smith said I have acted a gentleman all over - then the old man, Smith came up & took Jim by the arm & said - Jim don't trouble Hicks - he says he is sick - Jim then put on his coat & walked off - Fidello & Hicks then went off together & come back again to where Jim Smith was standing - & Hicks said again Jim you have not acted a gentleman with me - Jim said I have sir - Old Jno Smith then said Hicks you are sick - Fidello slapped him on the shoulder & said Hicks you are not sick I'm here - Hicks then went up to Jim & told him that he had not acted a gentleman with him - Jim said Hicks if you say that again I will knock your teeth down your throat - Fidello then threw his coat off went to rush in - when I caught him - He struck at me & I knocked his lick off - When I caught Williams - he struck at Jim Smith - Old Jno Smith said Jno I wouldn't have took that I would have knocked him - then he started towards Jim Smith - a rock struck him over the left temple - I do not think there was any one between Jim Smith & Williams at the time of the lick - The rock came from the direction where Jim Smith was standing - I do not think old Jno Smith spoke to Jim - if he did I could have heard him - Jno Smith was some distance from Jim Smith - Jno Smith did not have his coat off before Williams was struck - I did not see Jim Smith with any rock that day - Jno Smith did not throw any rock that day - There was but one stone thrown - when the rock struck Williams he fell & it fell with him - The rock (The rest of this testimony is missing and so is the first of James H. Smith's testimony)

----- After Jno Smith knocked the lick off - Williams made towards Jim Smith - I then directed my attention towards my brother Jno Smith - I heard the lick & looked around & saw Williams fall - ~~the rock~~ Williams was struck on the left temple. Did not see Jno Smith do anything - Did not hear him say anything - Did not hear him say anything to Jim Smith - Did not hear Jno Smith say anything after the lick fell about the same ---- (missing) that Jno Smith addressed young Jno Smith. --- (missing) Williams appeared very angry - Williams -- (missing) saying something as he went towards Jim Smith - Williams was hardly near enough to Jim Smith to strike him with his fist - I was not present at the first difficulty – Hicks said he was sick - Jno Smith told Jim Smith to come away – Mr. Hicks was sick - Jim then put on his coat & went off

Cross X

The lick was given when I was watching my brother pull his coat off - Do not know everything that was done upon that occasion - young Jno Smith caught Williams & told him not to go in there - As he turned him around Williams struck at him - Williams made about three steps from young Jno Smith when he was struck - He was going towards Jim Smith - Did not know that Jim Smith had a rock - Had never seen any rock in Jim Smith's pocket - I was about five feet from Jim Smith when the lick was given

- James H. Smith [X]

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INSTRUCTIONS FOR THE STATE

<Transcriber note: illegible handwritten notations appear to the left of each numbered instruction 1 – 4 below>

1. If the Jury believes from the evidence that Fidelo Williams was willfully, deliberately and premeditatedly killed in the month of November 1859 in this County and that John Smith the prisoner was present aiding abetting and assisting they will convict.
2. The deliberation and premeditation necessary to constitute murder in the first degree may be inferred from the circumstances connected with the killing and if malice existed it is sufficient. It is not necessary to prove the length of time it existed.
3. If the evidence shows a conspiracy or concert between the prisoner Smith, and James Smith to injoin Williams, then the act of one is the act of both, and the striking by James becomes the act of John the prisoner.
4. Unless the jury find from the evidence that James Smith had good reason to believe he was in danger of receiving great bodily harm from Fidelo Williams and that the rock was thrown by him, (Smith) for the purpose of inflicting that injury then the law will not justify him in killing Williams.

The Court further instructs the Jury that the law of this case is arcl? and in the instructions given and read to the jury and the jury in their retirement will take and consider them all together.

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THE COURT OF ITS OWN MOTION GAVE THE FOLLOWING INSTRUCTIONS

1. If the jury find the defendant not guilty this verdict may be in the following form -
We the jury find the defendant not guilty in manner and form as charged in the indictment-
2. If the jury find the defendant guilty of murder in the first degree, they will only find this fact, and say nothing in reference to the punishment
3. If the jury find defendant guilty of murder in the second degree, or of manslaughter in the first, second, third or fourth degree, they will specify in their verdict the degree of guilt, and assess the punishment either by imprisonment in the penitentiary, or in the county jail, or by fine alone, as provided in Sections 23, 24 & 25 of paper 563 of the Revised Statutes of 1855 of this state

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If the Jury shall believe from the evidence that Fidello made an unlawful assault, he was advancing in a hostile way, threatening attitude upon James Smith, for the purpose of beating him or doing him great personal injury, then such an assault is unlawful & if said Smith under the circumstances struck said Williams with a rock by which the said was killed, then John Smith cannot be convicted the Jury must acquit.

If the jury shall find from the evidence that after the first quarrel or difficulty between Vaughn & Hicks was settled, that Phidello Williams without any provocation wickedly & maliciously raised another fuss with the design & intention of getting into a fight with Jim Smith for the purpose of revenge or to do said Smith some great personal injury or for the purpose of beating said Smith, then the laws cannot be used for William's protections & the punishment of Smith & if James Smith is not guilty & John Smith must be acquitted.

That no American citizen by our law is bound by any duty he may owe the State to engage in a fight or combat with his adversary or to wait to uncertain the result of the combat, to ascertain whether great personal injury is to be inflicted upon him by his adversary & if the attacked party has given no cause for his assault to assault or beat him & the assailed has good reason to believe does believe, that it was the intention of the assailant to beat him or to do him great personal injury & there was immediate danger of such injury being accomplished & if the jury further believe that Williams was advancing in a hostile manner to beat said Smith or to do him great personal injury as aforesaid then James Smith cannot be blamed if he did strike with the rock by which Williams may have been killed, & in that event they must acquit John Smith.

That unless the jury shall believe from the evidence that at or before the striking by James Smith of the said John Smith entered into common design or combination with James Smith to kill Williams, then they cannot convict John Smith on the Score of aiding & abetting

That the essence of this offence consists in the intention to kill if they find from the evidence that John Smith neither threw the rock that struck Williams nor formed any common design upon the part of John Smith with James Smith to kill Phidello Williams or do him some great bodily harm than they find John Smith not guilty

If the Jury shall believe from the evidence that the deceased was of a rash turbulent or violent disposition, & that the defendant had knowledge of such disposition, then it is a circumstance for the consideration of the Jury in considering the reasonable cause for the defendant's apprehension of great personal injury to himself. Even if the Jury should believe from the evidence that James Smith intended to kill Williams yet John Smith cannot be convicted for the act of James Smith, unless it is proved beyond a reasonable doubt, that John was aware of James Smith's intention to commit the offence

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That the relation of parent & child is respected provided for by our laws, and a parent is justified by our laws in committing homicide if done when there is reasonable cause to apprehend a design upon the part of the assailant to do the child some personal injury there shall be reasonable cause to apprehend immediate danger of such design being accomplished

If the jury shall believe from the evidence that James Smith in the lawful defense of his own person Struck & Killed Williams, & if the Jury believe & find that, Williams was advancing upon James Smith in an angry threatening attitude there was reasonable cause on the part of James Smith to believed that intended to do him some great personal injury & there was immediate danger of such injury being accomplished, then James Smith had a right to strike in the necessary defense of himself

That even after Jury shall believe from the evidence that John Smith said "Hit him Jim" a word tantamount thereto, yet they are not authorized to convict John Smith unless they further find that defendant John Smith intended to induce James Smith to kill Williams or to counsel and by his words or act to encourage the said James Smith in such killing

That a man is not bound to wait with his hands folded or to retreat to the walls before he attempts to defend himself, but may stand & defend himself against an assailant & wrong doers

A man is presumed to be innocent of crime until his guilt is clearly proven

If the Jury entertain a reasonable doubt as to any fact necessary to be established in order to convict defendant then they are bound to acquit.

(A second set of "Jury Instructions" is included in the file but they are similar to the ones above and were not copied.)

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WE THE JURY FIND THE DEFENDANT NOT GUILTY IN MANNER AND FORM AS CHARGED IN THE INDICTMENT

-ISRAEL D. WATERS Foreman

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There is a motion to exclude evidence on the part of the defendant but the writing is impossible to read so it as not copied. It was filed on January 14, 1863.

There are various bills to the court by lesser officials, process servers, etc., that were not copied.

The following is a list of names and the number of days they were apparently to be paid for:

John Power	1 day	Frances Creasay	2 days
Elizabeth Corley	1 day	Robert Gambel	1 day
Jesse B. McAnally	1 day	Stephen Herrington	2 days
A. Johnston	1 day	John Power	2 days
Robert Gamble	1 day	G. Hendrickson	2 days
Ferd. Smith	2 days	J B McAnally	
John Smith Jr.	2 days	A Johnston	
James H. Smith	2 days	Elizabeth Corley	
Step. Herrington	2 days	John Smith Jr	
		Jonathon Smith	
		F Smith	
		James Smith Jr	
		Jackson Vaughn	

(two separate lists)