

## Court Records

### **Court Records**

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[Sorted by Entry & Description]

Fayette County Court Records, KY [A00102-1]

646 Central Avenue,  
Lexington, Ky., Oct. 24, 1936.

My dear Mr. McVicker:

Certainly am sorry I did not meet you when you were in Lexington for the reason I am interested in any one who is doing family research and besides- my explainer is better than my letter writing.

The name McVicker is not current in this vicinity that I have heard of, but was formerly on our court records.  
Note:-

District Court Book "C", page 612- Fayette County Court House- (Abstract) 8 February 1802- Montgomery Bell, of Fayette County to Daniel McVicar of Clark County, Ky., for a consideration- - leases the Mill built by said Bell - on Hickman Creek and the houses on west side of said creek - - for five years from July 1st next - - Said McVicar to perform the work as far as McCall was bound; i.e.- three pair stones to work bolts - - screene for hopper boy- - furnish garrett with floors, floor over water house - - Put up doors and glass the windows - - and said Bell agrees to put in one pair Red River Stones - - and furnish one scale beam - and will allow said McVicar to build patent elevator and said McVicar to have privilege of cutting cooper stuff at any place below mill. Said McVicar to pay \$500. for each and every year of term - - and on 1st March next to deliver to said Bell the sorrell horse that he (McVicar) rode to this State. (Ackowledged by both on 8 Feb.1802.)

This abstract contains all the facts in above agreement as I have omitted the usual phraseology to be found in such.

The property named is located about 10 or 11 miles south east of Lexington and is now in Jessamine County. The Clark county named is the adjoining county northeastward from Lexington, the county seat of which is Winchester. Their records are in first class shape.

While the spelling is different from that used by you, I am satisfied the family is the same and the only question is to settle just how remote this man was from your ancestor. Possibly he is the Uncle for which search was made.

Kenton and Campbell counties are on north border of the State opppsite Cincinnati and while I pass through both at least once each week, my acquaintances in either are extremely limited. Unfortunately, the older records of Kenton county are maintained at the old court house located at Independence, Kentucky, which is 12 miles out on ridge from Covington. By some political chicanery the circuit and criminal courts are held in Covington and county court maintains an office there with records since 1880 but all previous records are at Independence and two courts a year are held at that point. This makes it impossible for me to visit Independence and would suggest that you

Fayette County Court Records, KY [A00102-2]

try to get in touch with some of the D. A. R. Women in Kenton or Campbell counties. You might write Mrs. Shelley Rouse at Covington asking her to recommend some one to do research work for you. I have not her street address but her husband is a lawyer and you may find same in some of the legal directories.

The name McVicker does not appear upon any of our Deeds, Wills, Powers of attorney or other court records excepting as shown above. I mention this feature because Kentucky County (Now the State) was divided into Lincoln, Jefferson and Fayette Counties. From these all of the 120 counties were divided. Fayette county included all of the present state of Kentucky laying northward and eastward of the Kentucky River and as consequence included both Kenton and Campbell counties.

The only reference to this name in Virginia <sup>I have</sup> records are as follows;

McVicker family- see Virginia Magazine of History Vol. 8, page 110.

John McVicker- see William & Mary Quarterly vol. 12, first series, page 234.

Now-

(1) Have you examined the pension applications for services rendered in the campaigns of Generals St Clair and later General Wayne. After the treaty of Greenville (Ohio) large numbers of the Militia removed to Kentucky where the Ohio River was a partial protection from roving Indians. During the succeeding years large numbers of these applied for pensions and Richard M. Johnson was very active in their behalf. These activities began with the close of the War of 1812.

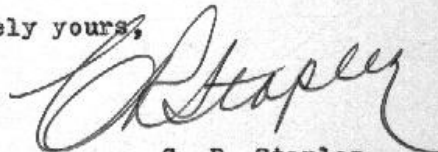
(2) Have you advertised in personal column of the Ohio Historical Publications, or newspapers in vicinities of older parts.

(3) The Polk Directory people used to maintain such sort of services by which one could secure the addresses of certain persons all over the United States, at so much per hundred. You might write them for a catalogue of their services and prices for same.

(4) Have you advertised in the Virginia Magazine of History or the West Virginia Historical Society magazines. Some of the name may still be in those areas.

Sorry I am unable to be of more assistance to you and hope to meet you should you come out this way again. Be sure to let me know how you come out. Its a long road but always interesting.

Sincerely yours,



C. R. Staples  
646 Central Avenue,  
Lexington, Ky.

Court Records

Somerset Co. NJ, Court records - Dirk P. DeYoung Report [A00410-1]

A004107

-/-

DATA GATHERED IN THE COUNTY COURT HOUSE SOMERSET COUNTY NEW JERSEY AUGUST 30, 1938,  
BY DIRK P. DeYOUNG.

Deeds -

- D-184 9/8/1804 James McKain, of Butler Co. Ohio, conveyed to Griffith Morris, of Great Britain, now of Basking Ridge - and among other things it said: "Whereas James McKain, formerly of Somerset Co. N.J., died on or about May 15, 1795, owning 212 acres of land in Bernardstown - and whereas said James McKane dec'd left James McKane, William McKane, Jane McKane, Nellie McKane and Daniel McKane, children of said James McKane dec'd 1795" James McKane of Ohio quit-claims his interest in said land.
- A-94 6/25/1760 - John McCollum, Sr. of Basking Ridge, Yeoman, conveyed to John McCollum, Jr. 100 acres for 118 pounds.  
Wit. Moses McCollum. (Signed) John Mackcallum.
- F-509 7/14/1811 Moses McCollum, as an executor, conveyed land in Bernardsville of the estate of a Whitaker.
- A-109 2/10/1767 - Bryant McCain conveyed to Margaret V. Powell, widow of Isaac Powell, all that tract of land Bryant McCain bought of Nicholas Powell and wife Eleanor. (Signed) Bryant McCain & Sarah McCain (wife)

Mortgages

- A-481 3/16/1775 - Richard McCain and Abigail his wife mortgaged land to Peter Schenk.
- A-503 12/2/1775 - Albert Johnson mortgaged land to Daniel McCain in Bernardsville.
- H-115 5/1/1812 - Cornelius McCulm, of Hillsborough Twp. mortgaged land to Henry W. Coleman. (This Cornelius was son of Hugh McCollum)
- B-269 Date omitted (approx. 1780) Henry Dine Domme LeChevalier Drouart, native of France, and Mary De Givrecourt, his wife, members of the nobility, gave a purchase money mortgage on land bought from Matthew McDowell of Bedminster, Somerset County, N.J. and David and Elizabeth Ayers, late Elizabeth McCollum, widow and relict of John McCollum dec'd, executors of the last Will and Testament of John McCollum, dec'd, David and Elizabeth Ayers were living in Northampton County, Pa. at time of conveyance.
- C-245 4/10/1802 - Nancy, widow of James McCain, dec'd, of Bernards Twp. conveyed to Griffith Morris, lately from Wales, for 100 pounds, her 1/3rd dower rights in land formerly her husband's.
- C-246 4/10/1802 - William McCain and Mary his wife, James McCain and Nellie his wife, conveyed to Griffith Morris, land of late father James McCain dec'd, same land as conveyed by his widow above.
- I-87 7/5/1758 - Thomas McConnell, North precinct of Somerset Co. N.J. and Susanna his wife, yeomen, conveyed to David Kirkpatrick - part of a tract conveyed to Thomas McConnell by Richard Pitery through his attorneys in 1755. (Note this deed was not recorded until after 1800.)

Somerset Co. NJ, Court records - Dirk P. DeYoung Report [A00410-2]

A00410-2

-2-

DATA GATHERED IN THE COUNTY COURT HOUSE SOMERSET COUNTY NEW JERSEY AUGUST 30, 1938

Deeds -

- S-294 9/18/1835 - Daniel McVicker and Mary his wife, of Bernards, Somerset Co. conveyed to Horace Van Kirk for \$800 - a tract of land partly in Morris and partly in Somerset Co. on the road leading from the Mendham Meeting House to Vealtown.
- I-87 4/1/1841 - Daniel McVicker without a wife (she died 1840), conveyed land in same locality as mentioned above. Joseph McVicker was a witness.
- E-540 8/2/1809 - Henry McCollum and Catharine his wife made a conveyance in Montgomery Twp., Somerset Co.
- F-62 6/16/1810 Moses McCollum and Rosanna his wife made a conveyance
- G-865 1814 - William McVicker conveyed land later conveyed by Daniel McVicker on road to Vealtown (Bernardsville). (Daniel was certainly the son of this William, for he conveys land in both Morris and Somerset Co. formerly owned by William McVicker.)
- D-53 1803 - Margaret Minor, late Margaret McCollm, with her husband Samuel Minor convey or release interest in land formerly owned by Hugh McCollum, to Henry McCollum (McCullum). (These were children of Hugh McCullum, dec'd 1794. He left 11 children.)
- M-13 3/1/1799 Dr. William McKissock and wife Margaret conveyed land in Pigstown to Hugh McCollum. (This was probably another son of Hugh McCollum, d. 1794.)
- D-57 2/4/1799 - Jene McCollum, of the Western Precinct of Somerset Co. N.J. quit-claims to Henry McCollum (her brother) her interest in the land formerly of her father Hugh McCollum, and in the deed it states: "Whereas Hugh McCollum of the same place, dec'd, deceased father of the aforesaid Jene McCollum died intestate, owning two tracts of land (48 acre tract and 20 acre tract) and whereas said Hugh McCollum left eleven children (four sons and seven daughters) and said Jene being one of the daughters of said Hugh McCollum, dec'd, and the heir to 1/15th part of his estate under the law, etc." she conveys her share to Henry McCollum.
- (Signed) <sup>my</sup> Jene X McCollum  
mark

Trenton Will Vault -

- Envelope 369 R Somerset Co. Co., Pa. John McCollum Jr. d. 1769 - left children John and Margaret and wife Elizabeth who later married David Ayers and removed to Northampton
- Envelope 513-R Somerset Co. The Will of John McCollum, proved 1777 (he was the father of the John McCollum Jr. who d. 1769) refers to his sons Jacob and Moses, dau. Susanna, a grand-dau. m. John McDowell, a grandson Francis Rappard, and money due from James McCullum.

Culled from archives - wills- - marriage records, etc. Hugh McCullum, of Monmouth Co. N.J. married Mary Campbell, of Monmouth digest of N.J. Co. Apr. 11, 1748. Colonial Marriage Records. Hugh McCullum was a witness in Egga Harbor, Burlington Co., N.J. June 18, 1747 - to the Will of Roger Osborn - Lib.6 p.304 N.J.Wills.

## Somerset Co. NJ, Court records - Dirk P. DeYoung Report [A00410-3]

A00410-3

-3-

DATA GATHERED IN THE COUNTY COURT HOUSE SOMERSET COUNTY NEW JERSEY AUGUST 30, 1958

New Jersey) In 1750 Hugh McCollum made the inventory of the estate of Samuel Vaughn,  
 Archives -) dec'd, Monmouth Co. N.J. and later acted as administrator.  
 Continued) -Lib. \_\_\_\_\_ p. 25, N.J.Wills, Trenton Will vault.

In 1760 Hugh McCollum was bondsman for the administrator of the estate of Joseph Evangame, Monmouth Co., Lib. 9, p. 409 - N.J.Wills.

In 1750 Hugh McCollum was the executor of the estate of Thos. McKettle - Monmouth Co., Lib. 8 p. 51 - N. J. Wills.

John McConnell was the witness to the will of Richard Clark, in Monmouth Co. N.J. in 1733 - Lib. B, p. 463, N.J. Wills.

James McConnell was mentioned in a Will in Monmouth Co. in 1742 - Lib.4,p.362,N.J.Wills.

Hugh McCollum is mentioned in 1742, Lib. D, p. 25, N.J. Wills, as one to whom money had been paid out of the estate of Meter McGloon, dec'd.

Jacob McCollum was a witness in Morris Co. in 1756 - Will of Patrick Donoho - Lib. F, p. 450. (This was probably Jacob, son of John, dec'd 1777. A Jacob McCollum died in Sussex Co. 1814, presumably this one, and presumably the one who served from Sussex in the Revolutionary War. I think he was too old to have been the father of Nancy McCollum, supposed to have married Duncan McVicker. Outside of Jacob McCollum, died in Sussex County, 1814, there are no other early McCollums whose estates are probated there.

Thomas McConnell, of Somerset Co. N.J. married Susanna McCane Dec. 23, 1747, New Jersey Colonial Marriages. (Their daughter Jean (JOAN), apparently an older child, married to Duncan McVicker, could have been old enough to have had children as early as 1765.)

John McConnell, of Monmouth Co. married Sarah Russel, Oct.26,1752-N.J.Colonial Marriages.

Ann McColm, of Middlesex Co. married Wm. Ford, Dec.29, 1762.-N.J.Col. Marriage Records.

John McColm, of Somerset, m. Mary Berndrau Jan. 13, 1768, -N.J. Colonial Records.

James McColum, of Somerset, married Elizabeth Parker, Feb. 2, 1750. - New Jersey Colonial Marriage Records.

Cornelius McCollum, of Somerset, married Rebecca Leeds, Nov. 16, 1785.- N.J. Colonial Records. (Cornelius was one of the 11 children of Hugh McCollum, d. 1794.)

John McCollum, of Monmouth Co., was owing money to Archibald Campbell (son of Lord Niel Campbell) May 12, 1702. Vol. 21, p. 147, N. J. Archives.

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These McCollums appear to have come to New Jersey via Monmouth County, and emigrated from there to Somerset County, as other families did. The same for the McConnells, who were early in Monmouth. There was a Scotch migration to Monmouth County prior to 1700 - and a later one to Somerset County about 1720 - where the Scotch settlement was around Basking Ridge - just South of the Dutch settlement at Bedminster. The old Dutch church and the old Scotch church of that region are only a few miles apart - the Dutch church North of the Scotch Presbyterian church.

Somerset Co. NJ, Court records - Dirk P. DeYoung Report [A00410-4]

A00410-4

- 4 -

DIRK P. DeYOUNG'S REPORTS  
\*\*\*\*\*

(Envelope - Liber 514 R: Somerset County Wills:  
Office, Secretary of State, Trenton, New Jersey)

(LAST WILL AND TESTAMENT OF THOMAS McCONNELL.)  
\*\*\*\*\*

"In the name of God Amen, the fifteenth day of January one thousand seven hundred and seventy seven, I, Thomas McConnill of Bernards Township and County of Somerset and Province of East Jersey, being sick and weak in body, but of perfect minded memory, thanks be given unto God, therefore calling to mind the mortality of my body and knowing that it is appointed for all men once to die, do make and ordain this my last will and testament, principally and first of all I give and recommend my soul to God who gave it to me, and my body I recommend to the earth to be buried in a Christian like and decent manner at the discretion of my executors, nothing doubting that I shall receive the same again at the general Resurrection through the mighty power of God, and as touching such worldly estate as it has pleased God to bless me with in this life I give and dispose of the same in the following manner and form. Imprimis It is my will that in the first place all my just debts and funeral charges be paid.

Item: I give and bequeath unto Susannah, my beloved wife, the use and profits of the house and plantation on which I now live upon during her natural life or as long as she remains my widow, upon the condition of her maintaining my daughter, Susannah who has not the exercise of her reason and also to bring up my daughter, Catharine, and if my wife should marry again, she is still to have the use and profits of the place to maintain the children as aforesaid, and I also give and bequeath unto my wife for the use aforesaid, all my moveable estate that remains after my debts are paid except three cows and twelve sheep, which are hereafter mentioned as legacies.

Item: I give and bequeath unto my son, Hugh McConil, two cows and six sheep.

Item: I give and bequeath unto my cousin, Francis McConil, one cow and six sheep.

Item: It is my will, and I do hereby order that after my wife's decease, that my plantation and moveable estate that shall remain after her decease, I give and bequeath unto my sons, James, Andrew, Hugh and Robert, and my daughter Joan (JOAN), the wife of Duncan McVicker and my daughter Catharine, and to their heirs and assigns forever to be equally divided between them upon condition of their maintaining my daughter Susannah equally between them as long as she lives. And it is my will and I do hereby order that if either of my sons or daughters should die before that they come of age or have lawful issue their part shall be equally divided between the surviving brothers and sisters or their heirs.

And I do hereby ordain, constitute and appoint my trusty friend, James McVicker and Robert Helam, the executors of this my last will and testament in witness whereof I have hereunto set my hand and seal the day and year first above written.

his  
Thomas McConil x  
mark

( Witnesses  
David Kirkpatrick  
Hugh Kirkpatrick  
John Roy

Robert Helm renounced as Executor 9 June 1777.  
Letters as sole Executor granted to James McVicker 9 June 1777.)

N.B. There were sons and daughters mentioned not of age, although he was married in 1747; it is presumed from that that Jean or Joan - who was married - must have been among the older children, as she was married. And even though not of age, if married her husband would have been her lawful guardian at that time.

Apparently, Susanna and Catharine were the two daughters not of age and there were two or more sons not of age in 1777 - which puts Joan among the three older children - if not the oldest - hence born about 1748-50 - and as girls married frequently then at 15 and 16 - old enough to have been the mother of James McVicker born 1768 (1768-1852). And rather too old to have been marrying Duncan McVicker - as late as 1776.



McVicker Data collected (Morriston, NJ) [A00407]

A00407

McVICKER DATA COLLECTED August 18, 1938, in MORRIS COUNTY, HALL OF RECORDS, MORRISTOWN, N.J.

Docket 1930 \* Several papers re administration Estate James McVicker, deceased, of MENDHAM  
 Surrogate's \* Twp. No date of importance except payments of sums from Estate as follows:  
 Office - \* 1. Mentions land sold to William McVicker and Archibald McVicker, sons.  
 Sept. 1805. \* 2. Payment of legacy to Isabel (McVicker) Van Tuyl, daughter \$ 305.  
 3. Cash paid to Catharine McVicker, testator's widow 100.  
 4. ditto 412.  
 5. Cash paid Margaret (McVicker) Leddel, daughter 666.  
 6. To Archibald McVicker (son) - as per Will 798.  
 7. ~~Catharine widow~~ ~~Catharine~~ To William McVicker - for his son James 25.  
 8. Cash paid widow Catharine -  
 9. To Agnes (McVicker) McMurtry wife of Robert McMurtry 811.  
 Total about \$4000. Adms. were James Linn, Esq., Dr. William Leddel, and Robert McMurtry.

Docket 1920 Estate of Archibald McVicker, deceased 1805, administration applied for  
 Surrogate's by Margaret Leddel. His brother William McVicker was later Admr. No  
 Office - information in addition to above digest.

Docket 2013 - Estate of Catharine McVicker, deceased 2/21/1821 - of which Margaret  
 (McVicker) Leddel was admrx. No information beyond what is given above,  
 that she was the wife of James McVicker deceased 1800.

McVICKER DEEDS - U-300 -- V-320 -- W-177 -- U-214 -492 -- E-3-328-335 -  
 Mortgage Book F-168 - also consulted, but there was little in them, except  
 to verify what is contained in Deed Book RR p. 592 (or 598?), which was  
 copied in full and appears on another sheet. All these deeds hark back to  
 the same property, and all reserve certain rights therein to Margaret  
 Leddel, during her widowhood.

Liber W - 177 - dated 11/5/1811 - William McVicker as Admr of the Estate  
 of Archibald McVicker conveyed land to George Forsyth.

E-3-328--  
 Liber ~~F~~ ~~(of)~~ E-3-328 - William McVicker in November 1829 conveyed to  
 Margaret Leddel, and mentions that she was a daughter of James McVicker  
 deceased, land in Mendham Twp., Morris County, N.J.

Liber-E-3-335 - 9/17/1831 - Daniel McVicker and wife Mary of Mendham -  
 convey to Nicholas Arrowsmith - five equal undivided seventh parts of the  
 real estate of Archibald McVicker deceased - land on road leading from  
 Peapack to Mendham - same land as James McVicker deceased formerly owned,  
 and it refers to a reservation out of it for Margaret Leddel, as long as she  
 remained a widow, as it was provided for her in the Last Will and Testament  
 of her father James McVicker deceased. The land was formerly conveyed by  
 William McVicker to said Daniel McVicker.

I assume that this Daniel was a son of William McVicker.

Mortgage Book F-168 - dated 5/15/1805 - William McVicker mortgaged land in  
 Bernardsville, to William Steele, land near the former property of  
 James McVicker deceased.

ABSTRACT OF DEED OF CONVEYANCE: DUNCAN McVICKER to MARGARET LIDDEL (LEDDLE, LEDEL).  
 Deed Book RR page 592 - Morris County, New Jersey. Dated November 9, 1825.  
 Parties: Duncan McVicker and Abigail, his wife, of Hanover Twp., Butler County, Ohio,  
 parties of the first part, and Margaret Liddle (Liddel, Leddel) of Newark Twp.,  
 Essex County, N.J., party of the second part. Consideration, \$640.  
 Conveys 2/7 part of land in Mendham Twp., Morris County, N.J., being part of land which  
 belonged to Archibald McVicker, deceased, who died intestate and unmarried, the party of the  
 first part, Duncan McVicker, being a brother of said Archibald McVicker, deceased .....  
 containing 163.77 acres, reserving use of S.E. room upstairs of dwg house to Margaret Liddle  
 (formerly Margaret McVicker) during her natural life, etc., as provided in the Will of her  
 father James McVicker, deceased...also lott second 121.23 acres, etc., with assurances and  
 covenants, etc. Signed by DUNCAN McVICKER and ABIGAIL, his wife, on Nov. 9, 1825.

Petition for Liquor license (Duncan McVicker) [A00232]

A00232

To the Worshipful the Judges of the Court  
of General Quarter Sessions of the Peace  
held at Bedford for the County of Bedford  
the seventeenth day of November 1795

The Petition of Duncan Mc  
--Vicker of the Township of Bedford in  
the County of .

Humbly Showeth

That your Petitioner has provided him  
self with Liquors and other things necessary  
for the Entertainment of Travellers ---

Wherefore your Petitioner prays  
The Honble. Court would be pleased to  
recommend him to his Excellency the  
Governor as a fit Person to keep  
a PublicHouse and your Petitioner  
as in Duty bound will pray

DUNCAN McVICKER

17th Nov. 1795 -- .

(Back:)



"Has provided  
himself with  
..... and  
other things  
necessary for  
the Entertain-  
ment of Travellers."

Petition of  
Duncan McVicker

-----

Recommended -----

.....

Petition for Liquor license (Duncan McVicker) {Original} [A00482-1]

To The Worshipful the Judges of the Court  
of General Quarter Sessions of the Peace  
held at Bedford for the County of Bedford  
the seventeenth day of November 1795

The Petition of Duncan M<sup>c</sup>  
Vicker of the Township of Bedford in  
the County of

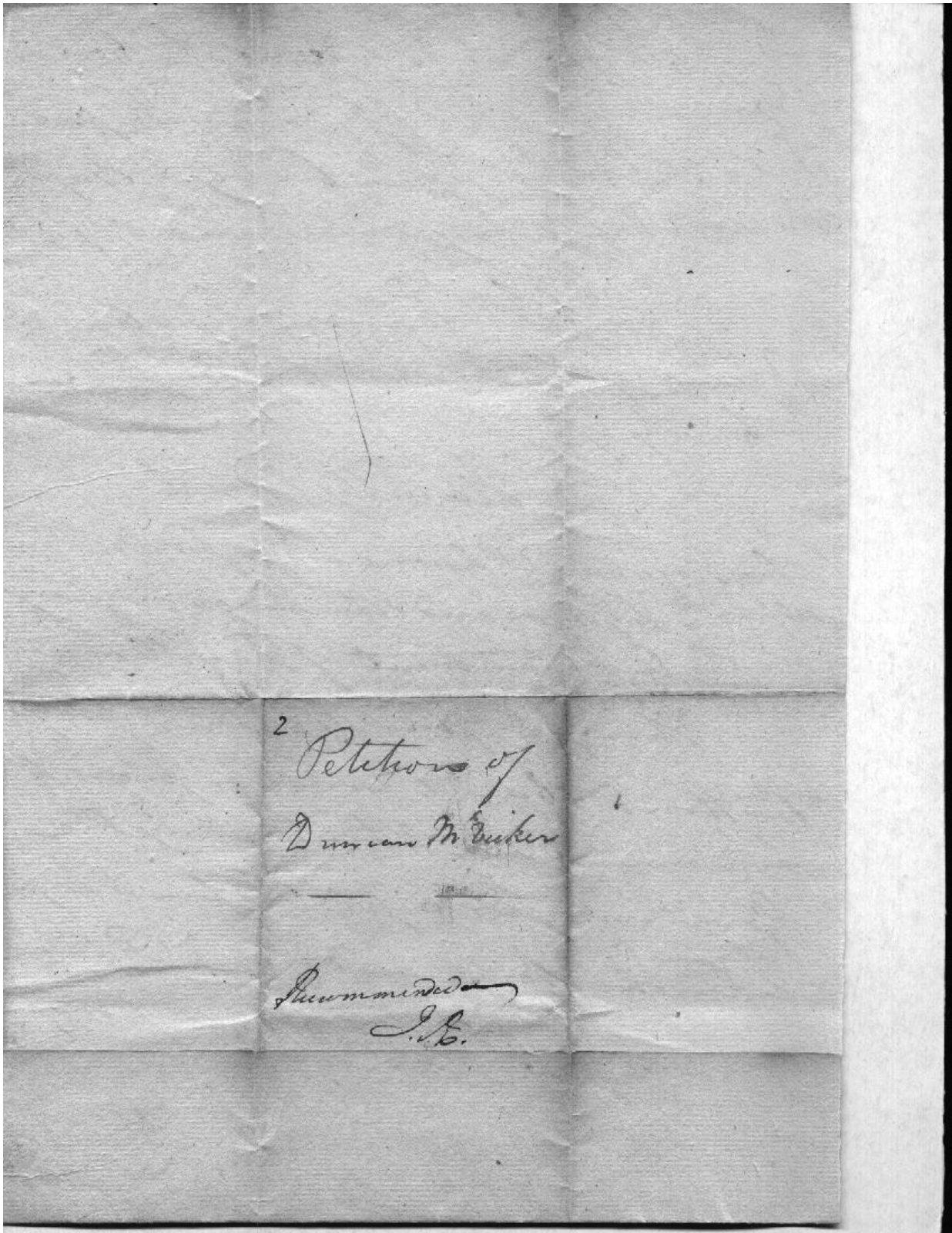
Humbly sheweth

That your Petitioner has provided him  
self with Liquors and other things necessary  
for the Entertainment of Travellers —

Therefore your Petitioner prays  
that the Hon<sup>ble</sup> Court would be pleased to  
recommend him to his Excellency the  
Governor as a fit Person to keep  
a Public House and your Petitioner  
as in Duty bound will pray

Duncan McVicker  
17. Nov. 1795

**Petition for Liquor license (Duncan McVicker) {Original} [A00482-2]**



Petition for Liquor license (David McVicker) [A00381]

A00381

To the Honorable the Judges of the Court  
of General Quarter Sessions of the Peace &C--

The Petition of the Subscriber humbly  
Showeth That

Your Petitioner hath Provided himself  
with Liquors and other Necessaries fitting  
for the Entertainment of Travellers and others  
at his house where he now Dwells &C

Wherefore he prays your Honors would be  
pleased to recommend him to his Excellency the Governor  
for his License to keep a Publick House of Entertainment  
for the Ensuing year and your Petitioner as in duty  
bound will Pray &C--

DAVID McVICKER

(Back:)

Petition of David McVicker

for License

Augt. 1803---

Recommended  
-----

Petition for Liquor license (David McVicker) {Original} [A00481-1]

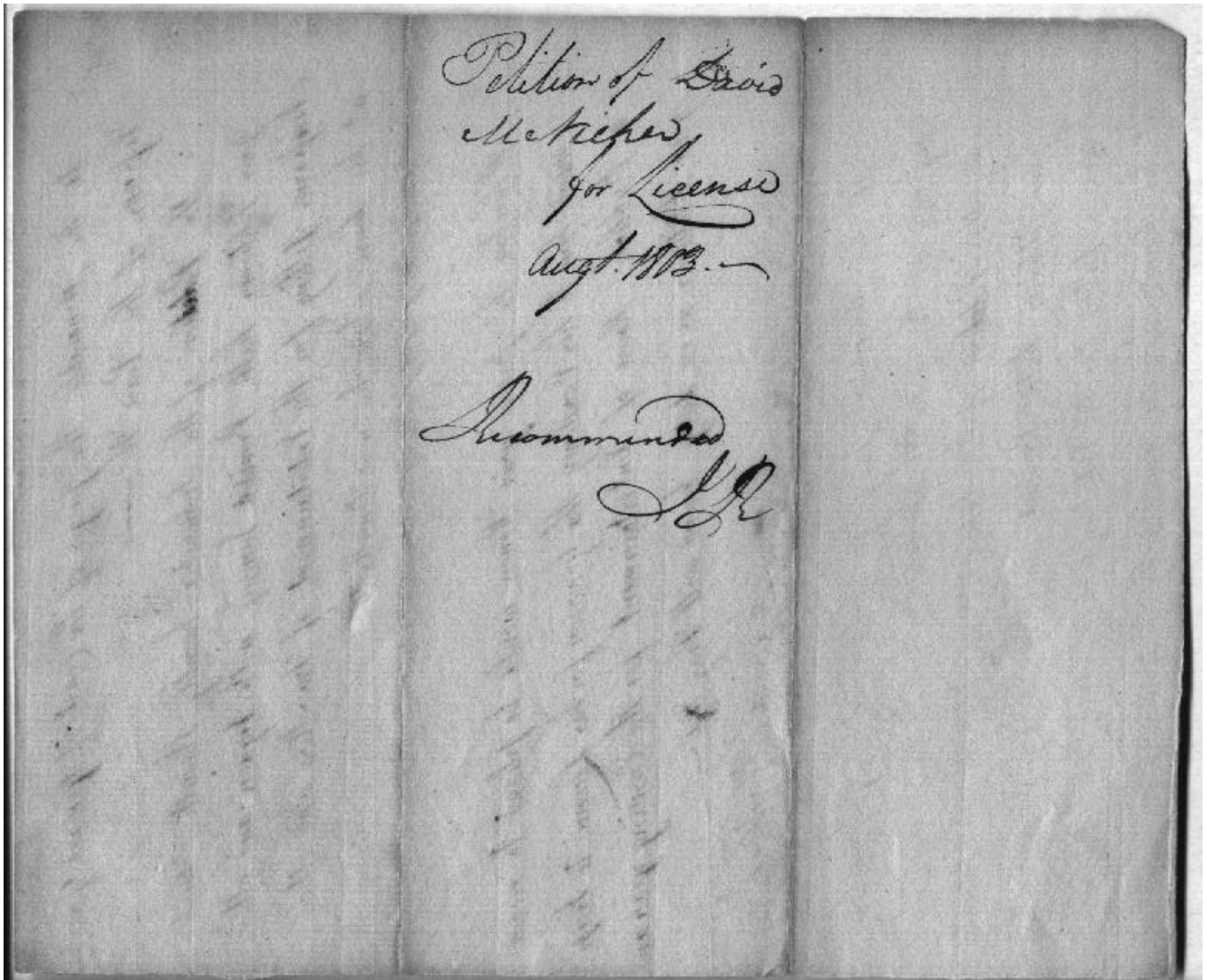
To the Honorable the Judges of the Court of General Quarter  
Sessions of the Peace &c —

The Petition of the Subscriber humbly sheweth. That  
Your Petitioner hath Provided himself with liquors and other  
Necessaries fitting for the Entertainment of Travellers and others  
at his house where he now Dwells &c

Wherefore he prays your Honors would be pleased to recom-  
-mend him to his Excellency the Governor for his Licence to keep  
a Publick House of Entertainment for the Ensuing year and  
your Petitioner as in duty bound will Pray &c

David McVicker

**Petition for Liquor license (David McVicker) {Original} [A00481-2]**



Bedford County, PA [A00386]

Bedford, Pa., Mar.24, 1936

A00386

Return of Bedford Township for the Present year 1799

At a Meeting held on the 16th March 1799, at the house now occupied by Wm. Ward in Bedford Township by the votable inhabitants of the said Township for Constables, Appraisers of Damages, Supervisors of Highways, Freeholders to settle and a just Supervisor's Acc'ts as overseer's of the poor for the present year, the under named persons were Highest in Votes, to wát;

Constables

William Griffith  
James Munns

appraisers of Damages  
Nathan Harmon  
Duncan McVicker

Supervisors of Highways

John Knisley  
Casper Stotler

Freeholders to Settle

Supervisors Acct's  
Jn<sup>o</sup> Crossman  
Matthew Taylor  
William Griffith  
Joshua Pearson

overseers of poor

Robert Hemphill  
Joshua Pearson

March 21 1799

We the subscribers Judge appointed for to hold the above Election do Certify that the person's Names are written under the different offices were Highest in Vote Given under our Hands the day and year above written

Nathan Hammond     Judges  
Joshua Pearson

William Willson     Constable



Constable Return of Nov. Term 1799 [A00480]

Constable Return for Nov: term for Anilain  
(McClain)  
Township —  
Retailer of spiritous Liquors — James Ryan & Co. Miller  
Obstructions on the High way — none  
Licenses killed out of papers — none  
Bastard Children Poor — none  
Negro or Mulatto slaves imported — none  
Contrary to law —  
Joseph McVicker Const.

Joseph McVicker  
Return as Constable

Constable Return of Nov. Term 1799 (transcribed) [A00380]

A00380

Constable Return for Nov. term 1799 for Sinclair

Township ---

Retailer of Spiritous : Liquors-- James Ryan and Jn. Miller

Obstructions on the Highway-- None

Deer Killed out of Season-- None

Bastard Children Born-- None

Negro or Mulatto Slaves imported

Contrary to Law-- None

JOSEPH McVICKER Constl --

(On Back:)

Joseph McVicker

Return as Constable

First Duncan McVicker Sales [A00385]

A 00385

5-6-85

First Duncan McVicker sale Book H page 655 1813.

McVicker to Studebaker (just notes on these transactions)

To whom these presents shall come I Geo. Ice of twp of Bedford now Napier--Application 4903 date 1768 entered by Oliver Milligan--surveyed by Oliver Milligan. Whereas said Geo. Ice by his deed-12th June 1801-recorded in records office 29 July 1801 unto Duncan McVicker? Buncan McVicker for four hundred thirty pounds 16 shilling and 10 pence sold to Jacob Studebaker. signed by Duncan McVicker

Witt, Wm. Cessa-Abr. Leyman.

\*\*\*\*\*

Book G page 636 McVicker abd others to Wertz.

To all people to whom it there presents We David McVicker and Eve his wife-Daniel McVicker and Margaret his wife- and Peter Wertz all of Bedford twp. Whereas real estate of Peter Wertz of twp of Bedford co. ( Three tracts McVicker purchased) One tract of James Maxwell and Thos. Kinton-One tract John Coxe and Charles Coxe- and the other tract of James Burd Esq.

Witt; David Zimmer James Anderson signers David McVicker Daniel " Margaret " Eve " Peter Wertz.

\*\*\*\*\*

(It was this one that put me on hunt, for lot no 58)

Book K page 192 McVicker to Early

6 Sept. 1809 between Daniel McVicker county of Bedford in common wealth of Pa. and Margaret his wife-other part Jean Early of the co of Bedford in commonwealth aforesaid; Daniel McVicker received for the consideration \$10.00 paid by Jean Early-a certain lot situate in town of Clarksburgh in town of Clarksburgh in the county and State aforesaid no. in the plan of said town No. 58 on N. side of Pine Street in said town of Clarksburgh of aforesaid county.

Dan'l McVicker Margaret McVicker

Recorded 5th day of Feb. A. D. 1816.

Minute book, Court in Bedford Co. (1809-1813) [A00387]

A00387

8-8-35

Minute Book of the different court held in Bedford county  
1809 to 1813.

July adjournment of court 1809 the names of following McVicker  
appears on the records.

July No. 12 Duncan McVicker  
Alex, "  
David "

\*\*\*\*\*

Michael Hilligas name appears on the Records as one one of  
the Provincial Officers for the 3 original counties of Pa.

2nd ser. Pa arc. Vol 11 His name is on record 1765 to 1775

\*\*\*\*\*

5th ser Vol 11 pg 1000 Archibald McVicker 3rd.Pa.Continental  
Line--- Stakes Company

5th ser Vol 1 pg 299 Pa.Arc.

Recruit raised by Cap't Robert Curry belonging to Pa. Reg't

June 1759.

Peter McVicker age 34yr-born Scotland-enlisting May 6 1759

\*\*\*\*\*

Pa Archives of 1778 is a letter of Hillegas to Pres. Wharton  
dated York Town May 21 1778. ( pg.538)

Pg 548- V.P.Geo.Bryan to Micahel Hillegas 1778  
Lancaster, 28th May 1778

Pg 565 M. Hillegas to Vice President George Bryan 1778  
dated York Town, May 30 1778

David McVicker Estate -> James Taylor -> Orphans Court [A00372]

A00372

To the Hon. the Judges of the Orphan's Court of Bedford County.  
The Petition of James Taylor, Administrator of David McVicker, late of  
Napier Township, of County aforesaid --

Respectfully represents:-

That your petitioner has filed a true statement of conscionable appraisement of the personal estate of the said David McVicker decd. and since that time has filed a final account of his administration of said Estate, which has been confirmed by your honorable court, from which it appears that a balance remains due to your petitioner of \$81.59, with interest from the 18th Feb'y 1834: & that the said Administration Account embraces all the personal property of the said decedent which has come to the hands or knowledge of your petitioner. That the said David McVicker died seised of the following Real Estate, to wit, Certain Lots in the Town of Clarksburg, in Napier Township & County aforesaid, numbered in the Plan of the said Town as follows: Nos. 3, 5, 6, 7, 8, 9, 10, 12, 12, 13, 14, 22, 23, 28, 15, 16, 35, 42, 61, 64, 65, 71, 72, 77, 78, 79, 80, 81, 82, 85, 92, 95, 94, 96, 97 & 99, on one of which is a small Log House of little value, & that said decedent left no other real estate at the time of his death which has come to the knowledge of your petitioner: that in addition to the above sum of \$81.59, with its interest, which is owing by said Estate to your petitioner, several judgments remain open on the Docket of the Court of Common Pleas of said County against said Estate, some of which your petitioner believes have never been satisfied, & that the sale of all the Lots above described your petitioner thinks would not more than cover the amount which he himself claims against said Estate: Your petitioner therefore prays your Honors to authorize a sale of the said Real Estate by your petitioner, for the purpose of paying the debt or debts aforesaid. And he will pray, &c.

\*81.59

JAMES TAYLOR

Bedford County, Ss. Personally appeared before the subscriber, a Justice of the Peace in & for said County, James Taylor, above named, who being duly sworn doth say, that the facts set forth in the foregoing Petition are true to the best of his knowledge & belief: that the said Petition contains a full statement of conscionable appraisement of all the personal estate whatsoever of the said deceased, & also, a full and correct statement of all the Real Estate of the said decedent wherever situated which has come to his knowledge, & likewise a just and true account of all the debts of the decedent which have come to his knowledge.

JAMES TAYLOR

Sworn and subscribed this second day of April A.D. 1839, before me.

CHARLES W. DOWELL

(Note of copyist: The first No. 12 above appears to have been altered from 11. Likewise there is another unintelligible interpolation after the word "contains" in the jurat which is not copied because seemingly senseless. JRM. )

*unintelligible*

Petition of James Taylor, Administrator of David McVicker, for leave to sell Intestate's Real Estate.

April 18, 1839. Red & on motion of W Cline sale ordered to be on the premises--  
Terms cash Admr to give bond in 200 \$ Jno Kieffe  
approved of as security By the court

Entered

Bond filed

Order made out

## Bedford PA, Records mentioning McVicker [A00383]

A00383

## BEDFORD COUNTY PENNSYLVANIA RECORDS MENTIONING NAMES OF McVICKERS

1. Land grant Book E page 528 George Ice to Duncan McVicker  
Recorded July 29, 1801 This tract was owned by Oliver Milligan--  
on application No. 4903--2d October, 1768, entered by Oliver Milligan  
250 A situate in White Oak Valley 12 miles west of Bedford joining  
Geo. Milligan there in Cumberland Co. now Bedford Co., was surveyed for  
Oliver Milligan, and the land at one point joined the land of John  
Taylor. Cumberland Co. extended west quite a distance.
2. Land sale by Duncan McVicker Book H page 655 1813 Duncan McVicker to  
Jacob Studebaker (Notes of transaction follow:) To whom these presents  
shall come I Geo. Ice of Bedford now Napier--Application 4903 date  
1768 entered by Oliver Milligan --surveyed by Oliver Milligan  
Whereas said Geo. Ice by his deed--12th June 1801--recorded in Records  
Office 29 July 1801, unto Duncan McVicker Duncan McVicker for  
four hundred thirty pounds 16 shillings and 10 pence sold to Jacob  
Studebaker. (Signed) DUNCAN McVICKER  
Witnesses: Wm. Cessa Abr. Leyman
3. David McVicker, Daniel McVicker, et al. Book G page 636 To all people  
to whom it there presents We David McVicker and Eve his wife Daniel  
McVicker and Margaret his wife and Peter Wertz all of Bedford Twp.  
Whereas real estate of Peter Wertz of Twp. of Bedford Bedford Co.  
(3 tracts McVicker purchased) One tract of James Maxwell and Thos.  
Kinton--one tract of John Coxe and Charles Coxe--and the other tract of  
James Burd Esq. (Signers) David McVicker, Eve McVicker  
Witnesses: David Zimmer Daniel McVicker, Margaret McVicker  
James Anderson Peter Wertz
4. Daniel McVicker to Jean Early Book K page 192 Recorded 5 February 1816  
6 Sept. 1809 between Daniel McVicker, County of Bedford in Commonwealth  
of Pa., and Margaret his wife--other part Jean Early of the County of  
Bedford in Commonwealth aforesaid: Daniel McVicker sold for the  
consideration \$10.00 paid by Jean Early--a certain lot situate in  
Town of Clarksburgh in the County and State aforesaid No. 58 in the  
Plan of said Town on N. side of Pine Street in said Town of  
Clarksburgh of aforesaid County. Daniel McVicker  
Margaret McVicker
5. David McVicker: Insolvency. Court of Common Pleas: Book 1, page 207  
April term 1823--David McVicker had petition in court at last Jan.  
term availing of the benefit of the Acts of Insolvency made for the  
relief of insolvent debtors appearing in court and proving notice had  
been given to his creditors agreeably to the order of court.  
Trustees for the said David McVicker were Peter Wertz, Abraham Kerns.
6. Sheriff's Deed to Duncan McVicker Esq. Book 2 page 286  
For a lot of ground situate in Town of Schellsburg on the Turnpike  
adjacent Benj. Blymier--Blackburn, et al., with a 2 story frame house  
stable and sold as property of Lindsay E. Esq. for \$300.

Helen Hill -> JR {Bedford Co.} [A00388]

Postmarked: Bedford, Pa., May 6, 7:20 AM 1935

A00388

MRS. HOWARD HILL  
502 E. PENN ST.  
BEDFORD, PA.

Mr. James McVicker:-

I simply am not able to get hold of those old church records, for some unknown reason, but I am not giving up. I shall pester the woman till she tires of me, and then maybe can get them to get rid of me Ha:

I was rummaging in the records of the Court of Common Pleas and found in book 1 pg 207 Apr. term 1823- where a David McVicker had petition court at last Jan term of the benefit of the acts of Insolvency made for the relict of Insolvent debtors appearing in court and proving that notice had been given to his creditors agreeably to the order of the court. Trustees for the said David McVicker were Peter Wertz- Abraham Kerns. I shall investigate of any will etc. on a David.

Also a Sheriff's deed Book 2 pg 286. as follows  
A deed to Duncan McVicker Esq. for a lot of ground situate in town of Schellsburg on the Turnpike adj. Benj. Blymier-Blackburn and others with 2 story frame house stable and sold as property of Lindsay E Esq. for \$300.

Will hear from me later,

Helen Hill

Will book 4, pg 489 Bedford PA [A00476-1]

A00476-1

4-26-35

Will book 4 page 489 Harrison township. Bedford co.,

John McVicker and wife Nancy. Issue mentioned in this will are as follows: Children 7- Alexander McVicker-Martha Jane Stuckey William McVicker-Catharine Mitchell-Isabella McVicker-Margaret McVicker-Duncan McVicker.

Exc. of estate my brother Duncan. Witt; Charles Dannaker and David Patterson Feb. 13 1866

Will book 5- page 104

George McVicker of Juniata township. Daughter Mary. (Wife name not given) Feb. 27 1873. Exc. Geo. Gordill Witt: " " and James McVicker.

Will book 3 page 19

Alexander McVicker and wife Jane Napier township/ Children John-Duncan- dan Mary Dannaker. Exc. James Taylor and son Duncan Witt; John Taylor- and James McVicker.

Aug. 18 1832

Will book 5 page 412

Duncan McVicker Boro Schellsburg. Will drawn up Feb. 15 1879- Death July 22 1879- Probated Aug. 13 1879. Son George A McVicker- Grandson Winter D.Hamaker grand dau. and daughter Sara J.Hamaker.

Exc. Sarah Jane Hamaker Will John C. Baly jr. Espy Gallipher.

Book V pg 244 On Oct. 2 1842 Appointment of Sheriff of Bedford county, and commissioned- John McVicker.

In reference to the land grant I gave just a few details of, I copied a little more of it. Book E pg 528 George Ice to Duncan McVicker, recorded July 29 1801. This tract was owned by Oliver Milligan- on application No. 4903-2nd Oct. 1768 entered by Oliver Milligan 250 A situate in white oak valley 12 miles west of Bedford joining Geo.Milligan there in Cumberland Co, now Bedford Co, was surveyed for Oliver Milligan, and the land at one point joined the land of John Taylors.

Can see by this land grant, that Cumberland co extended west quite a distance.



Will book 4, pg 489 Bedford PA [A00476-2]

A00476-2

Will Book 3 page 19: Alexander McVicker and wife Jane (Taylor) Napier Twp  
Children: John, Duncan, daughter Mary Dannaker  
Executor: James Taylor and son Duncan  
Witnesses: John Taylor, James McVicker  
(Alexander died 1832; above is not the same <sup>James</sup> McVicker apparently who  
settled in Monongalia County, Va.)

Will Book 4 page 489: John McVicker and wife Nancy ( )  
Harrison Twp., Bedford County  
Issue mentioned in this will: Alexander McVicker, Martha Jane  
(McVicker) Stuckey, William McVicker, Catharine (McVicker) Mitchell,  
Isabella McVicker, Margaret McVicker, Duncan McVicker--7 names.  
Executor of estate: my brother Duncan  
Witnesses: Charles Dannaker, David Patterson  
Date Feb. 13, 1866  
This John McVicker was a son of Alexander McVicker (1773-1832) and  
brother of Duncan McVicker (1799-1879)

Book 5 page 244: On Oct 2, 1842, appointment of John McVicker as  
Sheriff of Bedford County and commission issued to him  
This John McVicker is the same John McVicker as in the case of  
the maker of the will in the entry last above set out

Will Book 5 page 244: George McVicker of Juniata Twp  
Daughter, Mary; wife, \_\_\_\_\_ name not given  
Executor George Gordill  
Witnesses: George Gordill and James McVicker  
Date Feb. 27, 1873

Will Book 5 page 412: Duncan McVicker Boro Schellsburg  
Will drawn up Feb. 15, 1879 Death July 22, 1879  
Son, George A. McVicker (Sometime Auditor of Polk County, Iowa, and  
later City Treasurer of Des Moines, Iowa)  
Grandson, Winter D. Hamaker  
Granddaughter, (Ida Rosanna Hamaker)  
Daughter, Sarah J. Hamaker  
Executrix, Sarah Jane Hamaker  
Witnesses: John C. Ealy Jr., Espy Gallipher  
(This Duncan McVicker is the Duncan McVicker (1799-1879) son of  
Alexander McVicker (1773-1832))

The earliest McVicker will is that of Alexander McVicker and Wife  
Jane (Taylor) probated 1832--Will Book 3 page 19

Joseph Tomlinson of Allegheny County Md. on Feb. 10, 1794, sold to  
Daniel McVicker for \$200 tract of 200 acres on Dry Ridge including  
Glade Road in Bedford County, deed drawn up January 19, 1802,  
recorded Feb. 1805. Book F page 498

Book Q pages 301-2 John Tod to David McVicker  
Attest: A. McVicker  
Land contract and in the nature of a mortgage recorded Nov. 1822

History of Bedford County page 368:  
John McVicker was an early resident. His father was David McVicker,  
one of the early settlers on the Pike. Page 362: Duncan McVicker  
from New Jersey was an early resident on what is now the Baker farm.  
Administration Bond, Estate of David McVicker, dated Feb. 18, 1833,  
and names David McVicker of Napier Township; bondsmen, James Taylor,  
John Metzger, and Solomon Metzger. No other record of death of David.

Thomas L. Simmons - Perjury Trial [A00755-1] {12/2/1873}

Thomas L. Simmons -  
Perjury (D)

State  
vs  
Simmons } Indictments Perjury.

The court will instruct for the defendant that if the accused swore false, they must further find that such swearing was wilfully and corruptly done, and unless they so find, they ought to acquit the accused.

Answer

2 If the jury believe from the evidence, that the accused, swore that he did not give up the property (as charged in the indictment) from a misapprehension of the facts as he understood them and believed them to exist, they ought to acquit.

Refused

3 The jury must be satisfied from the evidence that the defendant did give up the property (which is alleged in the indictment, <sup>he</sup> even he did not give up) or they should acquit the accused.

Answer

4 If the jury believe from the evidence that the accused did not swear false, wilfully & corruptly they ought to acquit.

Answer

5 If the jury have reasons from the evidence have a reasonable doubt of the guilt of the accused, they ought to acquit.

Answer

6 In criminal cases, where there is conflicting testimony, the former good character of defendant, may be taken into consideration by the jury, in making

Answer

Thomas L. Simmons - Perjury Trial [A00755-2]

2

(4)

Printed and for Sale by The Winchell, Ebert & Marsh Printing Co., Stationers and Blank Book Manufacturers, Hannibal, Mo.

CAPIAS.

STATE OF MISSOURI, }  
County of Cape Girardeau } ss.

THE STATE OF MISSOURI, To the Sheriff  
of Cape Girardeau County---GREETING:

We Command you to take Thomas, L. Simmons  
if he be found in your county, and him safely keep, so that you have his body before the  
Judge of our Circuit Court, at the Court House in the town of Jackson  
within and for the said County of Cape Girardeau on the first  
Monday in May next, then and there, before our said Judge, to answer an  
indictment preferred against him by the Grand Jurors of the State of Missouri, empaneled,  
sworn and charged to inquire in and for the body of the County of Cape Girardeau  
aforesaid, for the crime of Perjury to wit  
unlawfully and feloniously, giving false evidence  
before John Mc Giblin a justice of the peace  
of said County,

whereof he stands indicted. And this you shall in no wise omit. And have you then  
and there this writ.

Witness my hand as Clerk, and the seal of our said Court  
hereto affixed. Done at office in Jackson  
in the County aforesaid, on this second  
day of December, A. D. 1875.  
Nathan L. Harrison Clerk.

Thomas L. Simmons - Perjury Trial [A00755-3]

T.L.S 3

Jackson Mo May 11th 1874

Cape Girardeau Mo

1874 To J. F. Wheeler 5

May 6th To Boarding Tho L. Simmons from

Apr 24th 74 to May 6th 74 (inclusive) 12 do - 60- 7.20

To Committing 1.00

\$ 8.20



The the jury find the defendant not guilty

E. W. Russell Foreman

for State

6<sup>5</sup>/<sub>4</sub>

*Opinion*

that it does not devolve upon the State to prove the exact words as alleged in the indictment - but that it is sufficient if they are proven in substance.

Cape Girardeau County  
 Archie Center  
 Washington

Thomas L. Simmons - Perjury Trial [A00755-4]

T.L. Simmons

4

1<sup>st</sup> for State

The Court instructs the jury =

Guinn

1<sup>st</sup> that the justice John Mc Gibas, mentioned in the indictment had jurisdiction of the subject matter of the suit in which the defendant is charged in the indictment to have sworn falsely; —

Guinn

2<sup>d</sup> that the question whether or not the defendant had or had not given up the property in controversy in that suit to the Constable as alleged in the indictment ~~was~~ a material question upon ~~that~~ <sup>the</sup> trial alleged in the indictment to have taken place in that suit; —

2<sup>d</sup> for State

Guinn

3<sup>d</sup> that an oath is willful when taken with deliberation and not through surprise, or inadvertence or through a mistake of the true state of the question. —

for State:

Guinn

5<sup>th</sup> that, if they find the defendant guilty, they will assess his punishment <sup>in the penitentiary</sup> at not less than two nor more than seven years. —

Cape Girardeau County  
Archive Center  
Washington

Thomas L. Simmons - Perjury Trial [A00755-5]

Thomas L. Simmons 5

for defendant

Given &

The Court further instructs the jury that before they can find the defendant guilty they must find from the testimony of at least two witnesses that the defendant upon his oath falsely stated in the trial before Justice Gibbs, that he said Thomas L. Simmons had not given up and delivered the property in said action sought to be replevied to the Constable John S. Henry, in manner and form as charged in the indictment, and unless the jury so find they ought to acquit the defendant

Thomas L. Simmons - Perjury Trial [A00755-6]

Thomas L. Simmons 6

State of Missouri,  
County of Cape Girardeau. - }

In the Circuit Court of said County; November term A.D. 1873.

The grand-jury for the State of Missouri, duly empaneled, sworn and charged to inquire in and for said County of Cape Girardeau, upon their oath present

that, on the 18<sup>th</sup> day of October A.D. 1873, at the County and State aforesaid, a certain action of replevin, wherein one Thomas L. Simmons was plaintiff and one John S. Henry, Constable of Kinder township, in said County, was defendant, was depending before one John M. Gibbs, the said John M. Gibbs then and there being one of the justices of the peace within and for said County of Cape Girardeau, and that, on the said day and year last aforesaid, a certain issue then joined between the said parties to said action then and there came on to be tried in due form of law and was, then and there, tried by a jury duly empaneled and sworn to try the matter in issue between the said parties to said action and that, upon the trial of said issue, the said Thomas L. Simmons, plaintiff as aforesaid, appeared as a witness in his own behalf and was then and there duly sworn by the said John M. Gibbs, justice as aforesaid, to speak the truth, the whole truth and nothing but the

## Thomas L. Simmons - Perjury Trial [A00755-7]

Thomas L. Simmons ?

trouble concerning the matter in issue between the said parties to said action, he, the said John W. Gibbs then and there having competent authority to administer said oath to the said Thomas L. Simmons in that behalf and that, upon the trial of said issue, it then and there became a material inquiry, whether the said Thomas L. Simmons, plaintiff as aforesaid, had given up and delivered the property, then, in said action, sought to be replevied, to the said John S. Henry, constable as aforesaid, upon an execution issued by one K. W. Burford, a justice of the peace within and for said County of Cape Girardeau, against the said Thomas L. Simmons and delivered to the said John S. Henry, constable as aforesaid, to be levied of the goods and chattels of the said Thomas L. Simmons and that the said Thomas L. Simmons, so as aforesaid sworn as a witness upon said trial did then and there feloniously, willfully, knowingly corruptly and falsely depose, swear and give in evidence before the said jury, empaneled and sworn as aforesaid, and before the said John W. Gibbs, justice as aforesaid, that he, the said Thomas L. Simmons, had not given up and delivered the property, in said action sought to be replevied, to the said constable, John S. Henry, whereas, in truth and in fact the said Thomas L. Simmons had given up and delivered said property to the said John S. Henry, constable as aforesaid. — And to



Thomas L. Simmons - Perjury Trial [A00755-8]

The jurors aforesaid, upon their oath aforesaid,  
do say that the said Thomas L. Simmons then  
and there, in manner and form aforesaid, did  
feloniously, willfully, wickedly and corruptly  
commit willful and corrupt perjury; - against  
the peace and dignity of the State.

W<sup>m</sup> Wilson Granger,  
Pros. Atty.

Thomas L. Simmons - Perjury Trial [A00755-9]

Copy issued 3<sup>d</sup> Dec 1873  
Certs made up  
Ex. Secy. of State  
No 68

State of Missouri  
against No. 68  
Thomas L. Simmons

Perjury.  
Filed 8<sup>th</sup> Novr 1873  
At Harrison  
Mo.  
A True Bill.

John Beardlee  
Foreman of the  
Grand Jury

Witnesses:

John S. Henry  
J. W. Woods  
John M. Gibbs

Levi Simmons – Murder Trial [A00756-1a] {6/1901}

STANDARD PRINTING CO., HANNIBAL, MO

---

**STATE WARRANT.**

---

No. 1

---

STATE OF MISSOURI  
vs.  
Levi Simmons

---

CHARGED WITH  
Killing John Sandt

---

ON INFORMATION OF  
Alfred Torraw

---

BEFORE ME  
Joy McLain J. P.

---

Received the within Warrant on the  
..... day of ....., 1.....

---

Constable.

---

Levi Simmons – Murder Trial [A00756-1b]

RETURN.

I HEREBY CERTIFY, That I executed the within Writ in the County of Cape Gir  
 State of Missouri, on the 17 day of June, 1901, by arresting  
the within Levi Simmons Re having  
surrendered to the Sheriff voluntarily  
By Joseph Sheriff  
J. E. Colver  
dep. Sg.

FEE, \$ 1.00

Cape Girardeau County  
 Archive Center  
 112 East Washington  
 Jackson, MO 63755

Levi Simmons – Murder Trial [A00756-2]

2

No. 204.

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Class 6.

STATE WARRANT.--J. P.

(IN CASE OF FELONY.--R. S. 1889, Sec. 4021.)

STATE OF MISSOURI, } THE STATE OF MISSOURI, To the Sheriff or any Constable
COUNTY OF Cape Girardeau } SS. of said County--GREETING:

WHEREAS, Complaint has been made before me, one of the Justices of the Peace in and for the County
aforesaid, upon the oath of Alfred Garraw
that Levi Simmons.

late of the County aforesaid, did, on or about the
7 day of June A. D. 1901, at the County of Cape Girardeau
did then and there with a revolver held
then and there in his hands shot by said
Levi Simmons against John Sands
killing him instantly.

THESE ARE THEREFORE TO COMMAND YOU to take the said
Levi Simmons
if he be found in your County, and him safely keep, so that you have his body forthwith before
me, to answer said complaint, and be further dealt with according to law.

GIVEN under my hand this 9 day of June, A. D. 1901
Joy McLean
Justice of the Peace.

Cape Girardeau County
Archive Center
112 East Washington

Levi Simmons – Murder Trial [A00756-3]

Affidavit  
of  
Alfred Farrow  
vs.  
Levi Simmons

---

Before Jvy M Gair  
J.P.

---

witness, State  
Alfred Farrow  
Emma Farrow  
George Farrow  
Berth Farrow.

---

on file June 7-1901  
Jvy M Gair  
J.P.

Levi Simmons – Murder Trial [A00756-4]

State of Mo. } SS On this 7 day of June A.D.  
 County of Cape Girardeau } 1901 Before me Personally appeared  
 Alfred Farrow of the County of Cape Girardeau  
 State of Mo. being sworn upon his oath, says  
 that Levi Simmons of the County of Cape Girardeau  
 State of Mo. did with a pistol then  
 and there in his hands shoot by the said  
 Levi Simmons, & and against John  
 Sands, killing him instantly <sup>on</sup> at his premises  
 in the township of Shawnee, said County and  
 State on the 7 day of June A.D. 1901.

Sworn to and subscribed this 7 day June  
 1901  
 Alfred Farrow.  
 J. W. McLean  
 J.P.

Levi Simmons – Murder Trial [A00756-5]

State of Missouri  
vs.  
Levi Simmons  
Charge of Murder

The papers in this  
filed June 11<sup>th</sup> 1901  
J. M. Smider J.P.

Filed June 11<sup>th</sup> 1901  
J. M. Smider J.P.

On File June 10-1901  
Joy M. Lane  
J.P.



Levi Simmons - Murder Trial [A00756-6]

6

Before Jory M<sup>c</sup>Lean a Justice of  
 the Peace within and for Cape Girardeau  
 County Missouri -  
 State of Missouri  
 vs. J. Simmons } preliminary hearing for  
 Murder

Now Comes the prosecuting  
 Attorney and the defendant and by consent  
 the Venue of this Case is changed from  
 before Jory M<sup>c</sup>Lean a Justice of the peace  
 within and for Show-Neotownship to  
 J. M. Suida a Justice within and for  
 Pys Township both in Cape Girardeau  
 County Missouri

And by consent the said Jory M<sup>c</sup>Lean  
 may send paper this day to Mary Catter  
 Deputy Sheriff - and this case may  
 be set for trial Tuesday June 11<sup>th</sup> 1881  
 before J. M. Suida J. P.  
 This June 10<sup>th</sup> 1881

T. D. Heines  
 Prosecuting Atty  
 N. H. Miles  
 Atty for def<sup>t</sup>

Levi Simmons – Murder Trial [A00756-7]

State of Mo.  
vs  
Levi Simmons  
Certified Copy of  
Jury Verdict J.P. –  
Change of Venue,

Levi Simmons – Murder Trial [A00756-8]

behalf of Alfred Farrow } Defendant is charged with  
 State of Mo. } killing one John Sands on  
 Levi Simmons } the 7 day of June A.D. 1901  
 Pro Atty } This day comes Alfred and  
 T.D. Hines } Files his Complaint under oath  
 charging the Defendant Levi Simmons  
 with a fatal throb by and in his  
 hands shot by the said Levi Simmons against  
 John Sands killing him instantly. issued  
 a warrant on the 9 day of June A.D. 1901  
 for the arrest of Levi Simmons. Delivered  
 same to J.E. Catner, on the 10 day of June A.D.  
 1901 upon application of Charge of venue  
 signed by T.D. Hines and W.H. Miller & the under  
 signed Justice grant a Charge of venue to J.M.  
 Snider of Byrd Twp, said County and State  
 Jory McLain J.P.

Jory McLain J.P.	J.E. Catner	witness
Docket and filing \$1.00	Serving warrant \$1.00	Alph Farrow .65
Index .10	Commitment	Emma Farrow .65
affidavit .15	Monroe McLain	George Farrow .65
Certificate .15	Serv. & Sufferings	Bertha " .65
Issuing warrant .35	3 miles	Bill " .65
Commitment		Arthur Simmons .50
total 1.95	total 2.40	

\$3.35

I hereby Certify that the above is a true transcript  
 of all the Entries made in my Docket pertaining to  
 said Case and that all the Papers filed in said Case  
 is accompanied with this transcript  
 witness my Signature this 10 day of June A.D. 1901  
 Jory McLain J.P.

Levi Simmons – Murder Trial [A00756-9]

1 The State of Missouri Before J. M. Grider Justice  
 2 against } of the peace in and for  
 3 Levi - Simmons } 3rd township Cape Girardeau  
 4 } Co. Mo.  
 5 } Charge of Verge from  
 6 } before J. M. Grider Justice  
 7 } of the peace for the peace  
 8 } 3rd township Cape Girardeau  
 9 } County Mo.

10 The papers in the above entitled Cause received  
 11 and filed the 11<sup>th</sup> day of June 1911. Charging the  
 12 defendant Levi - Simmons with Killing  
 13 John F. Hays, and the trial coming on the said  
 14 day, to be heard. The defendant was arraigned  
 15 and informed of the charges against him, entered  
 16 a plea of not guilty, and T. J. Hines prosecuting  
 17 for the State, and Wm. H. Miller, representing  
 18 the defendant, appeared ready for trial the  
 19 State witnesses were duly sworn and examined,  
 20 and Wm. H. Miller defendant's attorney said he  
 21 would rest his case on the testimony of the  
 22 State witnesses, and Mr. Hines then stated  
 23 that the testimony on behalf of the State was not  
 24 sufficient to find the defendant guilty, and he  
 25 would prosecute the case no further, and the  
 26 Court after due consideration of this Cause,  
 27 thought there was probable cause of an examination  
 28 in this case, but that testimony was not sufficient  
 29 to sustain the charges in the information,  
 30 and it is therefore adjudged by the Court that the  
 31 defendant Levi Simmons be acquitted.

J. M. Grider Justice  
 of the peace

Levi Simmons – Murder Trial [A00756-10]

10

1	Justice fees of 16 Guides		
2	To Watching Case	\$1.00	
3	" " " "	10	
4	" " " "	75	
5	" 6 Satts	30	
6	" " " "	50	
7	" " " "	50	
8	To travelling 16 making affil of this to total	1.50	\$4.65
9			
10	To amount of fees due Charles H. LaPiere		
11	Stenographer's reporting and transcribing	72.00	
12	words at 15 cts per 100	\$10.50	
13	To adjusting & comparing testimony	1.50	\$12.30
14			
15	Shuff's fees (Cation) serv 2 Subps	50	
16	" " " " Mileage	175	\$2.25
17			
18	Constables fees (Grant) serv 1 Subp	25 cts	25
19			
20	Witness fees		
21	Alf Farrow 1 day + 16 miles	\$1.30	
22	Geo Farrow 1 " + 16 "	1.30	
23	Emma Farrow 1 " + 16 "	1.30	
24	Bertha Farrow 1 " + 16 "	1.30	
25	Willie Farrow 1 " + 16 "	1.30	
26	A. Simmons 1 " + 16 "	1.30	
27	J. McNight 1 " + 16 "	1.30	
28	M. Abernathy 1 " + 24 "	1.70	
29	R. Russell 1 " " "	.50	\$11.30

30  
31 State of Missouri }  
32 County of Cape Girardeau 3/1

Cape Girardeau County  
Archive Center  
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Jackson, MO 63755

State of Missouri  
against  
Levi Simmons

Levi Simmons – Murder Trial [A00756-11]

*4200 summary*

*J. M. Snyder* a Justice of the Peace in and for Byrd Township in the County of Cape Girardeau aforesaid hereby certify that the above and foregoing is a full, true and complete transcript of all the entries made in my docket relating to said case of the State of Missouri Plaintiff against Levi Simmons Defendant and that such transcript is accompanied by all the process and other papers filed with me the said Justice relating to such suit.

*Given under my hand this*  
*the 22<sup>nd</sup> day of July A.D. 1901,*  
*J. M. Snyder*  
*Justice of the Peace,*

1  
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der, Justice of the Peace within and for Cape Girardeau  
ouri.

ate of Missouri,  
-vs-  
Levi Simmons.

Jackson, Mo., June 13th, 1901.

State of Missouri,  
To Charles E. LaPierre, Stenographer, Jr.  
To reporting and transcribing 7200 words @  
15 ¢ per hundred..... \$10.80 \$10.80

Cape Girardeau County  
Court Clerk  
111 East Washington  
Jackson, Mo. 64501

Levi Simmons - Murder Trial [A00756-12]

Before Julius M. Snider Justice of the Peace  
in & for Byrd Township Cape Girardeau  
County State of Missouri.

State of Missouri } Amended  
vs. } Affidavit.  
Levi Simmons }

Alfred Farrow  
being sworn on his oath says that Levi  
Simmons at the County of Cape Girardeau  
State of Missouri on or about the 7<sup>th</sup>  
day of June A.D. 1901, in and upon one  
John Sands, then and there being, feloniously,  
willfully, deliberately, premeditatedly, and  
purposely of his malice aforethought  
did make an assault & he the said  
Levi Simmons, a dangerous & deadly  
weapon, to-wit: a pistol, therein  
charged & loaded with gunpowder &  
laden bullets, which pistol aforesaid,  
he the said Levi Simmons, then and  
there, in his hands had & held, then  
and there feloniously, willfully, deliberately,  
premeditatedly, on purpose & of his malice  
aforethought, did discharge & shoot off  
at, to, against and upon the body of the  
said John Sands; and the said Levi  
Simmons, with the laden bullets  
out of the pistol aforesaid, therein  
by the force of the gunpowder aforesaid  
by the said Levi Simmons, discharged &  
shot off as aforesaid, therein, there feloniously  
willfully, deliberately, premeditatedly, and

Levi Simmons – Murder Trial [A00756-13]

13

purpose and of his malice aforethought  
 did strike, penetrate & wound him the  
 said John Sands, giving to him the  
 said John Sands, then & there, with  
 the leaden bullets aforesaid, so as  
 aforesaid discharged & shot off out of  
 the pistol aforesaid by the said Levi Simmons  
 at and against the body of the said John  
 Sands as aforesaid one mortal wound  
 in the body of him the said John Sands  
 of the width of one half inch and of the  
 depth of six inches, which said mortal  
 wound he the said John Sands did,  
 then & there, die; & so the affiant says  
 that he the said Levi Simmons in  
 the manner and by the means aforesaid  
 at the time & place aforesaid him the  
 said John Sands, then & there, willfully,  
 feloniously, deliberately, premeditatedly,  
 on purpose and of his malice aforethought  
 did kill & murder contrary to law and  
 against the peace & dignity of the state.

(attest to mark)  
 T. D. Keiser

Alfred Brown  
 mark

Subscribed & sworn to before this 11<sup>th</sup> -  
 day of June AD 1901 J. M. Snider J. Peace



Levi Simmons – Murder Trial [A00756-14]

Bertha Farrow, being produced, sworn and examined, testified,  
as follows:

- Q. State your name? A. Bertha Farrow.
- Q. You are a daughter of Alfred Farrow. A. Yes, sir.
- Q. Were you at home on the morning of the 7th of June? A. Yes, sir.
- Q. Did you see Mr. Simmons come there to borrow your father's wagon? A. Yes, sir.
- Q. Did you see Mr. Sands there that morning? A. Yes, sir; after the trouble began.
- Q. You didn't see him until the trouble began? A. No, sir.
- Q. Begin at the first and tell all that you saw? A. Mr. Simmons said, "Mr. Sands don't throw, or I'll shoot you?"
- Q. Did you see Mr. Simmons go out towards the direction of his home at any time? A. No, sir.
- Q. Did you see him first up in front of your father's house? A. Yes, sir.
- Q. Did you see the beginning? A. Yes, sir.
- Q. You say that Simmons said, "Don't throw, or I'll shoot you?" A. Yes, sir.
- Q. Then what? A. Mrs. Sands threw then Mr. Simmons shot, and then Mr. Sands threw again and Mr. Simmons shot again. Mr. Sands then stepped back and got a club of some kind.
- Q. How many rocks did you see Mr. Sands throw? A. Two.
- Q. Go ahead? A. And Mr. Sands got his club and came after Mr. Simmons and he leveled up both hands and shot again; then said "God dam you! I'll get you yet."
- Q. Who said that? A. Mr. Sands. <sup>Then</sup> Mr. Simmons shot again.
- Q. Do you know which shot it was that took effect? A. No, sir, but I think it was the third shot.
- Q. Did you notice Mr. Sands have his hands to his breast? A. Yes, sir.
- Q. What was Sands doing at the time Simmons fired the third shot? Q. ~~Why, he went back and got his club; had his face xxx~~

Levi Simmons – Murder Trial [A00756-15]

-2-

Q. When was it he made this remark, "I'll get you yet?" A. Right after the third shot.

Q. How was Mr. Sands holding that club--whatever it was he had in his hands? A. Had it in both hands drawn back.

Q. How close were they together when the last two shots were fired? A. About eight or ten feet--steps I mean.

Q. How close were they together when these stones were thrown?

A. I couldn't tell; I don't think they were close.

Q. How many stones did you see him throw? Two.

Q. Did he throw them hard? A. Yes, sir.

Q. Did you see Simmons dodge? A. Yes, sir.

Q. Did he dodge them both? A. I saw him dodge one of them; I don't know about the other.

Q. Where did he pick up this single-tree? A. In front of the shop. Near the wagon.

Q. How far did he advance, or go, with the single tree, or club, before he was shot? A. About twenty or thirty steps.

Q. Mr. Simmons from what you saw of the trouble seemed to be trying to get away and keep out of the trouble? A. Yes, sir.

Q. Simmons did not shoot until after he threw at him? A. Yes, sir.

Q. And you think the third shot hit him? A. Yes, sir.

Q. The third time the shot was fired Sands was advancing on Simmons with the club? A. Yes, sir.

Q. Did you hear Mr. Simmons say he was sorry that he had to shoot this man? A. He was sorry that he had to shoot as bad as anybody, but he had to.

*Asa W. Harrow*

Subscribed and sworn to before me  
this 20<sup>th</sup> day of June, 1901.

*J. M. Snider*  
Justice of the Peace

Cape Girardeau County

Levi Simmons – Murder Trial [A00756-16]

16

16 thru 21 - staple

George Farrow, being produced, sworn and examined, testified,  
as follows:

Q. State your name and age? A. George Farrow; age, 18.

Q. You are a son of Alfred Farrow? A. Yes, sir.

Q. Were you at home on the morning of the 7th of June? A. Yes,  
sir.

Q. Did you see Mr. Simmons there? A. Yes, sir.

Q. You may tell the Court what you saw Mr. Simmons say and  
do before Sands arrived? A. Mr. Simmons asked him--I started  
to the house--I asked him, "Where are you going?" "Going to  
borrow your wagon." I said, "Go ahead and hitch onto it." I  
said, "Pa might be going to use it--go to the house and ask  
him." He went to the house and asked him, and then he came  
back down there <sup>to</sup> with the wagon. And that is all I said. Mr.  
Sands came on there, and I spoke to him and then he spoke to  
me, and he went on and hollered, "How are you," and called  
some name, but I don't know what the name was. "Do you want me  
to cut that hickory for you?" Mr. Simmons said, "No." Then  
John started to cross the branch. Mr. Simmons said, "Don't  
come, John." Mr. Simmons backed back a piece, and said, "Don't  
you come, John." John grabbed him some rocks and came ahead.  
Levi Simmons ran backwards and sideways to get to the hickory  
nut tree, and there picked a revolver up from near the tree  
or took it out of his pocket. The next time--I went to the  
house then. The next time I seen them was over by the  
shop. I believe Mr. Sands was the first. I seen him stoop  
back and pick up something like a club and start towards Mr.  
Simmons. Mr. Simmons stepped up immediately, taking a step  
or two up, and held the pistol in both hands, and shot him.  
I believe, as well as I could hear, John says, "Dam you, I'll  
get you yet." Then Simmons backed. I couldn't see the  
next, they was pretty close together. Then Mr. Sands fell.  
I expect he took a few steps before he fell, and then fell.  
He fell on his face, left hand on his breast; his finger  
was nearly touching the single-tree, or on the single-tree.

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Levi Simmons – Murder Trial [A00756-17]

-2-

17

Then Mr/ Simmons went away. Then Mr. Simmons came back by John, and kinder looked back at him, and came to the house and slung his revolver around and said, "If anybody wants to take it up for him, I'll give them the same." Mr. Simmons swore an oath when he said that.

Q. When Mr. Simmons first came did he have his team with which to get the wagon? A. One of his boys was riding his horse?

Q. Well, he wasn't going to take the wagon with one horse, was he? No, sir.

Q. Where did the boy go? A. I don't know. The boy was there by the wagon when they came, but where he went to I can't say.

Q. Do you know whether he went for another horse, or not? A. I can't say he was.

Q. Was the boy there when the racket came up? A. He was; but don't know whether he was there when the shooting took place.

Q. Did they have harness on that horse? A. They had ~~leaves~~ *leaves and chains*.

Q. What ~~was~~ did he say he was going to do with the wagon when he asked the loan of it? *A. Take a load of ties to the mine.* Was Mr. Simmons making ties then?

A. Not as I know of.

Q. Had he been making ties for anyone that you know; or did he say he was going to haul ties for anyone? A. He says he was going to haul a load of ties. If he says anything more, I don't remember.

Q. Did you see Simmons go in the direction of his home? A. Yes, sir.

Q. Leaving the Wagon? A. Yes, sir.

Q. How far? A. Well, he went back a piece and stopped, and then went another piece.

Q. Well, what was Sands doing while Simmons was going back from the wagon in the direction of his home? A. He was crossing the creek.

Q. There was a dry creek there--gravel bottom? A. Yes, sir.

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Jackson, MO 63755

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Levi Simmons – Murder Trial [A00756-18]

18

-3-

Q. Did you see Sands pick up anything as he crossed the creek?

A. Picked up some rocks--pretty good sized rocks, as near as I can see.

Q. Did you see him at about that time throw any of the rocks?

A. No, sir.

Q. Did you see him throw rocks at any time at Simmons? A. No, sir.

Q. Did you see him throw back his hand as if he was going to throw any rocks? A. I can't say about that.

Q. What did he do about that? A. Couldn't say.

Wasn't you there? A. He had to run once.

Q. Did Simmons have his pistol out before you ran? A. He pulled something out of his pocket near the hickory tree.

Q. How far did you run? A. I went a good little piece.

Q. When Simmons was going in the direction of his home he was going kinder south? A. Yes, sir; southwest. He was going towards home.

Q. How far did you see Simmons retreat towards home? A. Why, he went a piece and then stopped and went again towards home; that would be twice, I reckon.

Q. What was Sands doing? A. Sands was coming across the creek/

Q. Well, when they went by in front of your house who was in advance then? A. Levi was backing and Sands was following with something in his hands like a club.

Q. Had there been any shots fired up to that time? A. There had been two shots?

Q. Well, wher was the person standing when he fired the first two shots? A. He was standing down about the shop, I suppose; that was where he was at.

Well, did you hear these men say anything? A. They said something. I was excited and couldn't hear what.

Q. Did you see Sands throw any rocks at Simmons? A. No, sir.

Q. He threw no club, or didn't strike at him with that club?

A. I didn't see him throw it.

Q. Well, now, at the time the last shot was fired, how close was the men together. A. Well, the last shot I didn't see

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1500  
115 East  
Michigan  
Chicago, Illinois

Levi Simmons – Murder Trial [A00756-19]

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-4-

Mr. Simmons.

Q. What was Sands doing when this last shot was fired? A. He was coming towards Simmons.

Q. Have anything in his hands? A. Had a club.

Q. Did he have it drawn? A. He just swung it; didn't throw it.

Q. Simmons seemed to be cool when he was firing the shot? A. I reckon he was. He held his hands like he was taking good aim.

Q. When was it you heard Sands say, "I'll get you yet"? A. It was after Simmons fired the third shot.

Q. Did you ever hear Mr. Simmons make any threats towards Mr. Sands? A. Only, "If he come to my home I'll hurt him."

Q. Have had trouble for sometime--been enemies? A. Well, I don't know about that. Only since yesterday a week ago.

Q. You know that they have been enemies since that day. Did you ever hear Sands say anything to Simmons? A. That he was going to cut a hickory for him.

Q. He didn't say he was going to whip Simmons with it? A. He said it was for Simmons to whip him.

Q. Who all saw this shooting? A. Well, There was me, my Pa, and Emma. Well, the whole family, you might say.

Q. Who first spoke? A. Mr. Sands.

Q. What did he say to Mr. Simmons? A. Calling him some name, couldn't understand it.

Q. And then what was said? A. "I am going to cut a hickory for you."

Q. Was that before Simmons had spoken, or after him? A. Yes, sir.

CROSS-EXAMINATION: By Mr. Miller.

Q. Sands first spoke to Simmons, and said, "I'll cut a hickory for you? A. Yes, sir.

Q. Simmons said, "No, John"? A. No, John.

Q. Said that in a very pleasant way? A. Yes; I call it a pleasant way.

Q. Then Sands started towards Simmons as he crossed the creek, and picked up some rocks? A. Yes, sir. 330

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Levi Simmons – Murder Trial [A00756-20]

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-5-

Q. As Sands came towards Simmons with these rocks in his hands Simmons retreated, didn't he? A. Yes, sir.

Q. Sands kept following? A. Yes, sir.

Q. How far did Simmons retreat? A. About twenty-five steps.

Q. Sands kept coming towards him? A. Yes, sir.

Q. Was Sands talking as he came towards Simmons? A. Yes, sir; he was using some kind of language, I don't know what.

Q. Then you went to the house before any shots were fired? A. Yes, sir.

Did Simmons then turn and come back to the wagon? A. I don't know whether he did, or not.

Q. When you did see the shots fired Sands was approaching Simmons? A. Sands was following.

Q. Was Simmons running or backing? A. He was backing.

Q. Did you hear Simmons say anything to Sands? A. I don't remember hearing him say anything.

Q. How far did Simmons back from Sands? A. I couldn't say how far--eight or ten feet, or more.

Q. And you don't remember to have heard Simmons say anything to Sands at that time? A. No, sir.

Q. Did you hear Sands say anything to Simmons? I heard Sands say, after the first shot was fired, "Dam you, I'll get you yet!"

Q. After the first shot was fired? A. Yes, sir.

Q. Now, George, I will get you to say if this was ~~not~~ in Sands' hands (Witness was shown single-tree)? A. It was found right near and his hand nearly touched it; don't know where it was when the trouble began.

Q. You have seen this single-tree before, or one exactly like it? A. I don't know whether I have, or not.

Q. But you do know when he fell his hand was almost touching a single-tree? A. Yes, sir.

Q. I will ask you, George, if it wasn't true that Simmons backed from this man all the time? A. Every time Sands started to cross the branch Simmons seemed to be trying to get away, except when he fired the last shot he might have

Cape Girardeau County  
Archives  
112  
2006

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Levi Simmons – Murder Trial [A00756-21]

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-6-

stepped forward.

Q. You didn't know any words that passed between these men? A. Except as I have told you.

Q. To refresh your memory, I will ask you if you don't remember when Sands was pursuing Simmons with this club, Simmons said, "Don't come any closer, John, or I will hurt you." A. I don't remember of him saying that, but--I don't remember of his saying, "Don't come, John."

Q. Now, was Sands approaching rapidly, or slowly? A. He was going ~~an~~ along pretty fast. Don't know whether you would call it running, or not.

Q. I believe you said that Sands first spoke to Simmons? A. Yes, sir.

Q. And when he did he responded in a very pleasant way. A. Yes, sir.

*S. J. Morrow*

Subscribed and sworn to before me

this 20<sup>th</sup> day of June, 1901.

*J. M. Grissler*  
Justice of the Peace

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Cape Girardeau County  
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112 East Washington  
Jackson, MO 63755



Levi Simmons – Murder Trial [A00756-22]

*22 thru 26 - staple*

*22*

Emma Farrow, being produced, sworn and examined, testified, as follows:

- Q. State your name? A. Emma Farrow.
- Q. You are a daughter of Alfred Farrow? A. Yes, sir.
- Q. Were you at home on the 7th of June? A. Yes, sir.
- Q. Were you up at the time when Mr. Simmons came? A. Yes, sir.
- Q. Did you see him come to the house? A. Yes, sir.
- Q. Tell what he came for? A. He came to borrow my father's wagon.
- Q. Did he come to the house? A. Yes, sir.
- Q. Did he get per mission to use the wagon? A. Yes, sir.
- Q. Was your father up when he came? A. Yes, sir.
- Q. Now, if you saw any difficulty between John Sands and Simmons, you can tell the court what you saw? A. Well, nothing until that morning. I saw Mr. Sands over there in the road. Mr. Simmons was standing at the end of the wagon, and Mr. Sands hollowed at Mr. Simmons, "Hello, Garrett," then he says, "Don't you want me to to cut that Hickory for you that I threatened to cut the other day, and if you do, come over; and Mr. Simmons says, "No, I don't want you to cut it"--something that way; then Sands says, "I will come over there, I know you are afraid of me; then Mr Simmons says, " I know you can whip me!": just then Mr. Sands started across the creek and picked up a couple of rocks and started at Mr. Simmons; and then, Mr. Simmons stepped back about ten steps, and told him not to throw ; and then Mr. Sands kept on coming after him; and he stepped back a little further--about fourteen steps further back, I guess--and told him not to throw or he would shoot if he throwed. "Shoot! God dam you! I heard you had a little old pop for me, it wouldn't break the skin." Then he told him he shouldn't go up that big road to-day, and shouldn't do a lick of work to-day; then Mr. Simmons says, "I am going up the big road right now;" then Mr. Simmons started up the road, and Sands after him; and then he started to throw at him; and then Mr. Simmons says, "If you throw I will shoot

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you;" then he says, "Shoot! God dam you!" then he throwed at him; then Mr. Simmons shot; then he throwed again and Mr. Simmons shot again; then he ran back about ten steps and picked up a club; and then Mr. Simmons stepped down a step or two, and then held up both hands about the time Sands started up and shot again; then Mr. Sands kinder dropped his head, and says, "God dam you, Levi, I'll kill you yet;" then Mr. Simmons shot again, and Mr. Sands fell, then he went on up about the hickory nut tree and stayed there a few minutes and then came on to the house. He came on down by Mr. Sands and then he waived his revolver in his hands, and says, "If anyone wants to take it up, he would put him in the same place." Then when he went away, just as he went to go down the hill, he says, "I hated as bad as anybody to shoot him, but I had to do it."

Q. How many times did Simmons go down the road towards his home? A. Twice.

Q. Did Sands throw at him at any time they were there on the road towards his home? A. No, sir.

Q. There was no shot fired down there? A. No, sir.

Q. And no stones throwed? A. No, sir.

Q. But Simmons beat a retreat twice down there? A. Yes, sir.

Q. Did Simmons bring a horse to get the wagon? A. His little boy did, -Arthur Simmons.

Q. What kind of a tone did Sands speak when he said, "Hello there" to Simmons? A. Rough tone; shook his fist at him and said, "You son-of-a-bitch! Come over here and I'll get that hickory for you." I started to go--

Q. When Sands said that Simmons answered him, "I want no trouble with him"? A. No, sir; he answered very kind to him--Mr. Simmons did.

Q. The shooting occurred up west of that point and in front of your father's house? A. Yes, sir.

Q. About how far was it from where Sands fell to the wagon? A. Twenty steps.

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Q. How did it come that the shooting took place up the other road when Simmons had retreated twice towards home? A. Well, Mr. Sands stepped down the road as if he was trying to get behind him, and he ran up the other road. Then Sands started on down the creek to his work and Simmons returned towards the wagon. Mr. Simmons asked him to apologize with him, and he wouldn't apologize.

Q. Here it was the stone was thrown and the firing began? A. He threw, then Mr. Sands shot.

Q. How did he throw it? A. He drew back and threw it hard and Mr. Mr. Simmons dodged.

Q. What size stone was it? A. It was a large rock.

Q. It would have hurt if it had hit? A. Yes, sir.

Q. Then it was that Simmons fired the first shot? A. Yes, sir.

Q. And then Sands threw again? A. Yes, sir.

Q. Simmons returned the fire? A. Yes, sir.

Q. I believe there was an interval between the second and third shots? A. Yes, sir; time to let him get something and come again.

Q. Well, when he went back to get this single-tree, whatever it was, did he turn his back on Simmons? A. No, sir; he didn't he kinder turned sideways.

Q. Could Simmons have shot him? A. He didn't--I don't know .

Q. Do you know which shot hit him? A. I thought it was the third shot by ~~xx~~ the way put his hands up to his side and dropped his head.

Q. Did he drop the single-tree then? A. No, sir; he drew back his hand and came at Mr. Simmons.

Q. Did he have this single-tree in his hand? A. What I thought he had. I noticed that it had irons on the end. That was after he fell.

Q. Did he say anything? A. No, sir.

Q. Well, what did Simmons do then? A. He went on up that way ~~he came up to the house and then went back by the body.~~ *back by the body* ~~up to the house~~ *up to the house*

Q. Are you positive, now, when Simmons came down the highway from from

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from your father's house, that he said that he was sorry that he had killed him, but that he had to do it? A. Yes, sir; he said, "I am sorry as bad as anybody, but I had to do it."

Q. In what County and State was this shooting? A. Cape Girardeau County, Missouri.

Q. And when? A. Seventh day of June, 1901.

CROSS-EXAMINATION: By Mr. Miller.

Q From what you saw of that whole trouble, Miss Farrow, Simmons seemed to be trying to get away from this trouble? A. Yes, sir.

Q. And this man Sands was crowding it on him all the time? A. Yes, sir.

Q. He threw before he shot at all? A. Yes, sir.

Simmons retreated towards his home, and then Sands turned and started back towards the road, and then Mr. Simmons started back to his work, and then Sands turned and threw at him? A. Yes, sir.

Q. And then Simmons shot? A. Yes, sir.

Q. Then Sands threw again, and then he shot again? A. Yes, sir.

Q. Then it was that Sands picked up this single-tree and started towards him when the third shot was fired? A. Yes, sir.

Q. Miss Emma, at no time did Simmons press this matter, he seemed to be trying to get away all the time? A. Yes, sir.

Q. The first remark that Sands made to Simmons was a very ugly one and insulting one? A. Yes, sir.

Q. He then came across toward him and picked up rocks as he came? A. Yes, sir.

Q. After the shooting Mr. Simmons was excited and hardly knew what he was doing? A. Yes, sir.

Q. You think it was the third shot hit him? A. Yes, sir.

Q. The time that shot was fired Sands was approaching him with his club, or single-tree, in his hand? A. Yes, sir.

Q. Was Sands approaching Simmons in a leisurely or rather rapid way? A. Rapid way.

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Q. As if he meant business? A. Yes, sir.

Q. This club that I have shown the other witnesses looks like  
the one he had in his hand? A. Yes, sir.

Emma Karrow

Subscribed and sworn to before me

on this 20<sup>th</sup> day of June, 1901.

J. M. Snider  
Justice of the Peace

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Levi Simmons – Murder Trial [A00756-27]

27th Jun 36  
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Before J. M. Snider, Justice of the Peace Within and for Cape Girardeau  
County, State of Missouri.

State of Missouri,  
-vs-  
Levi Simmons.

Alfred Farrow, being produced, sworn and examined, testified,  
as follows:--

- Q. State your name? A. Alfred Farrow.
- Q. Residence? A. Cape Girardeau County -- Shawnee township.
- Q. Age? A. Forty-one.
- Occupation? A. Little of everything--saw milling, farming,  
both.
- Q. Did you know Levi Simmons? A. Yes.
- Q. You know Levi Simmons? A. Yes, sir.
- Q. You know John Sands? A. Yes, sir.
- Q. Did you see Levi Simmons on or about the 7th day of June?  
A. Yes, sir.
- Q. Where did you see him? A. At my house.
- Q. Did you see John Sands on that day? A. Yes, sir.
- Q. Tell what Simmons was doing at you house? A. He was there  
to borrow my wagon; he came in about six o'clock, or a little  
before.
- Q. Did you lend him your wagon? A. Yes, sir.
- Q. Where was your wagon? A. At my shop.
- Q. Where was the shop with reference to ~~the~~ house. A. About  
thirty steps to the shop.
- Q. Where did Simmons go after he was in you house? A. He  
went back toward the land (?); he went out that way; I sup-  
pose it was towards the wagon.
- Q. When did you see John Sands that morning? A. Shortly after  
Simmons was at the house.
- Q. Where did you see <sup>first</sup> him? A. The first I seen him he was runni

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Justice of the Peace  
J. M. Snider

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ning?

Q. Did you hear any words between these men before you saw Sands? A. I heard them talking, but I couldn't hear what they said.

Q. Now, if there was any trouble between them tell what you saw--he was running? A. Yes, sir; he was running.

Q. Was he running in the direction of Simmons, or in the opposite direction? A. He was running ~~ix~~ towards Simmons.

Q. Had there been a shot fired at that that time? A. No.

Q. Did you see what he had in his hands? A. No.

Q. He was then running ~~running~~ away in front of your door? A. Yes, sir.

Q. And Sands was running after him? A. Sands was after him.

Q. And had his hand drawn back as if he was going to throw something? A. Yes, sir.

Q. What did you see in his hands--tell it on your own way? A. ~~I couldn't tell what it was.~~

~~Mr. Sands ran back towards the shop.~~ *Mr. Sands ran back towards the shop.* Ten there was two shots fired, but I didn't see him shoot them, but I heard the shots fired. *Mr. Sands ran back towards the shop*

Q. Well, then, what did Sands do after he ran back towards your shop? A. He stooped down and picked up something, I couldn't tell what, and made for him again?

Q. What did you mean by "made for him again?" A. Just like I would take after you, I reckon.

Q. You mean advanced toward him? A. Yes, sir; came to him like as if he was going to strike him, and had something in his hands

Q. How far did Sands advance this time before another shot was fired? A. About 8 or 10 feet.

Q. There had been two shots fired up to that time? A. Yes, sir/

Q. And, then, how many shots followed? A. Two shots followed.

Q. Do you know who fired these shots? A. Mr. Simmons was the man.

Q. Did you see him with a pistol in his hands? A. Yes, sir; I didn't ~~see~~ exactly see him with the pistol; I couldn't say

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exactly what he had; I saw him have something in his hands.

Q. Pointed at Sands? A. Yes, sir.

Q. Now, had there been any shots fired at the time you saw Levi? A. There had been two.

Q. State if there wasn't two shots fired in rapid succession, and then an interval, and then, two more shots fired in rapid succession? A. There was.

Q. About how long was that interval? A. About long enough for a man to run ten steps and come back again. A very short time.

Q. Did you see Sands' body at the inquest? A. Yes, sir.

Q. Did you see the wound? A. I did.

Q. How many? A. Only one in the body, and then there was a little scratch between his fingers.

Q. Where was that wound in the body? A. Just <sup>under</sup> ~~over~~ his left nipple?

Q. Was it near the nipple? A. About an inch and a half, or two inches; it looked like to me, I didn't measure it.

Q. How was Sands lying? A. Laying kinder on his face and breast, with his left hand on his breast; one leg drawn up; his left leg straight.

Q. How large a man was Sands? A. I don't know what his weight was--about 180 pounds, or something like that.

Q. Did you see him throw anything at Simmons? A. I didn't.

Q. Did you see the beginning of the trouble? A. I did not.

Q. What did Simmons do after the shooting? A. He ran <sup>for it</sup> ~~out~~ down towards my <sup>well</sup> ~~house~~. Down there he stopped somewhere.

Q. Then what did he do? A. He came up there where the shooting had occurred; he looked at him and went into the gate.

Q. Where did he go to from there? A. Came to the house.

Q. What did he do at the house? A. He took his revolver and flourished it and said, "If anyone took it up he would <sup>do</sup> him the same way."

Q. What else did he say? A. <sup>I don't remember he said none of these things</sup> His boy got him to go home, then

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Q. Who was present? A. George, and Emma, and Bertha, my wife, and Ed. he was there too, he was a little fellow, and Arthus Simmons, that was his son.

Q. Did he take the wagon with him. A. He did not.

Q. Did he tell you what he wanted with the wagon? A. He did.

Q. Did he use the wagon that day? A. No, sir.

Q. Where was the wagon standing with reference to road that passes your house? A. Well, it was standing where the roads go through betwixt the shpp. The big road is about twenty steps north of where the wagon stood.

Q. Didn't Sands pass your house every day going to and from his work? A. Every day; nearly every day.

Q. And passed along that big road you speak of? A Yes, sir. Do you know whether Simmons knew that Sands passed your place Friday, going to work? A. I suppose every day body knew the way he went to his work.

Q. Did you hear any words--distinguish any words before you saw these men? A. I heard them talking and cussing, but I did not understand what they said.

Q. Give it as near as you can? A. The first I heard was, "Come over here and I will cut that switch for you now," John Sands said that.

Q. Do you know to whom he was talking? A. He was talking to Simmons, I suppose.

Q. That was the first, of a threatening nature, that you heard?

A. That was the first I heard of anything that was going on.

Q. Did you hear Simmons' reply? A. I did not; he did not speak loud enough for me to hear what he said.

Q. Did you ever <sup>hear</sup> here either one of these men make any threats towards the other? A. On the Sunday before, John Sands cut a switch to give to Levi Simmons. *before Levi to whip him*

Q. Did he say anything at that time? A. I asked him what he meant. He says: "I'd rather have the "red caps" to whip me than the "white caps"; and he said this, "I am going to hand it to Mr. Simmons if he comes down here, and then I am going

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to tell him what I think of him; then, if he don't like that, why, he can take ~~words~~ <sup>words</sup>; he says: "If I don't catch him here, the first time that I meet him I will do that very thing."

Q. Did he say that last Sunday? A. He said it Sunday a week ago.

Q. Did you ever here Simmons say anything of Sands? A. Nothing more than John Sands had better let him alone, and that he wouldn't take much off him.

Q. Did Sands explain to you what he meant by "white caps" and "red caps"? A. There had been a letter written, I suppose, that the "white caps", if Mrs. Owens did not ~~xxx~~ <sup>treat</sup> Mr. Owens

better, and, also, her son, Shelby did not treat the old man better, and, also, John Sands did not treat him better, that they would take her son Shelby out and give him a good dressing. That is the reason why he cut the hickory.

Q. Did he say that he had gotten such a letter? A. He said he did not get the letter, that the old lady Owens got the letter, and he accused Levi Simmons of having the letter written

Q. Did you ~~xxxx~~ ever hear Simmons speak of this letter? A.

A. No, sir; he said that he had nothing to do with it.

Q. Did you tell Sands that Simmons said he knew nothing of the letter? A. No, sir; I did not talk with him nothing about that. Mr. Simmons asked me to tell him that he didn't know nothing about the letter, but I didn't have the opportunity to tell him.

Q. Were these ~~men~~ <sup>all</sup> neighbors of yours? A. One lived on one side and one on the other. Worked for me for about seven years.

Q. How old a man was Sands? A. Must have been about fifty years old.

Q. And how old is Simmons? A. Expect he was about forty, or 45.

Q. How large a man was Simmons? A. About one hundred and fifty, or forty, somewheres along there.

Q. What did Simmons do with his revolver after he left your

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place ? A. I couldn't tell you; he might have thrown it away, for all I know.

Q. Have you talked with him since that day? A. No, sir; only a word or two yesterday.

Q. How long did he remain there after this shooting? A. About fifteen minutes--something like that.

Q. Didn't he say anything about it; about the shooting, I mean? A. Nothing more than what I told you he said about the threats he made at the house when he waived the revolver .

Q. Didn't he say that he was sorry that he did it, ~~or that he~~ ~~was~~ ~~xxxxx~~ , or anything of that kind? A. I wouldn't say positive whether he did, or not.

Q. You don't know whether he said it, or not? A. No, sir; I can't say whether he said it, or not. He said something else, but I can't remember what it was.

Q. In what county and State was this shooting? A. Cape Girardeau County, Missouri.

Q. And what month and year? A. Seventh of June, 1901.

CROSS-EXAMINATION, by Mr. Miller:

Q. Mr. Farrow, Mr. Simmons was fixing the wagon that you had loaned him when this trouble commenced? A. I can't tell you. He went down to hitch onto the wagon.

Q. He had his team there, did he? A. He had one horse there: His son, Shirley , went after the horse up to Mr. Owen's. That is, he said that he had one horse, I didn't see the horse.

Q. The first that you saw of Sands he was running for Simmon's with his hand raised as if to throw something? A. Yes, sir. And just after that the rose bush darkened him, and I do not know whether he threwed, or not.

Q. You couldn't tell what Sands had in his hands at that time?

A. I can't tell you.

Q. There was two shots fired while the rose bush hid your view?

A. Yes, sir.

Q. Then there was a slight intermission? A. Yes, sir.

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Q. When you next saw Mr. Sands? A. He was running back towards my shop.

Q. There was no shots fired while Sands was going back towards your shop? A. No, sir. He then stooped down, picked up something and turned towards Simmons.

Q. Did you at any time see Simmons Approach Sands? A. Yes, sir; he came out in plain view from behind the rose bushes.

Q. Did he stand while he retreated over there? A. When Mr. Sands came at him he stood perfectly still. Sands got within eight or ten feet of him when the shots were fired, with his hands thrown back as if he was going to strike him.

Q. You saw there was something in <sup>Sands'</sup> ~~his~~ hand? A. Large club of some sort.

Q. Did you hear Simmons say anything at that time? A. He says, "Don't come, I'll hurt you if I can."

Q. What reply did Sands make to Simmons? A. He says, "Dam you, I'll get you yet."

Q. At the time the last two shots were fired Sands was approaching Simmons with a club? A. Yes, sir.

Q. At the time the first two shots were fired Sands was approaching Simmons? A. Just before the first two shots were fired I saw Sands pass the door with his hand thrown back, as if to throw something. Don't know whether Simmons was running, or not, but suppose he was.

Q. Mr. Farrow, did you ever see that (Witness is shown a single tree)? A. Yes, sir.

Q. Where did you see that? A. Right close to the shop door.

Q. Do you know whether this is the club Sands picked up, or not? A. I do not.

Q. Did you see this single tree after Sands fell? A. Yes; but not right away.

Q. When you did see it, was it in the same place it was before this difficulty? A. No, sir.

Q. Where was this single tree when you next saw it, with reference to where Sands lay? A. Four feet of him.

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Q. How far was that from where it was laying before the difficulty? A. It must be about fifteen steps.

Q. Had you seen anyone else hold of this single-tree? A. I had not.

Q. At the time Sands approached Simmons, you don't know whether he had this single-tree, or some other club, in his hands? A. No, sir; I do not.

Q. You do know that he had something like a club in his hands, and remarked, "Dam you, I'll get you yet."? A. Yes, sir.

Q. The only thing that you heard Simmons say that you could understand was, when Sands was approaching Simmons with this club, he says, "Don't come or I'll hurt you?" A. Yes, sir.

Q. You, at no time during this difficulty, saw Mr. Simmons advance on Sands, except when he came from behind the rose bushes and stood still? A. Yes, sir; that is all.

When Sands made the remark, "Dam you, I'll get you yet," he was then approaching Simmons with this club? A. Yes, sir.

Q. How far, Mr. Barrow, was this last shooting from where the wagon stood? A. I suppose about ten steps.

Q. Where was Simmons' horse with reference to the wagon? A. I didn't see the horse.

Q. I understood you to say that Mr. Simmons had asked you to tell Sands that he had not written the letter complained of, nor had nothing to do with it? A. Yes, sir; he did.

Q. You had had no opportunity to tell Sands of this matter? A/ No, sir.

Q. From what you saw of that difficulty, I will get you to tell the Court which of these men was the aggressor? A. John Sands, I should think.

Q. First with a rock, and then with a club? A. I don't know whether he had a club in his hands, or not.

Q. His attitude indicated that he had something in his hand? A. Yes, sir.

Q. Some days before this fatal difficulty, I understood you to say that Sands cut a switch and said he was going to give it

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Levi Simmons – Murder Trial [A00756-35]

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to Simmons, and if Simmons did not like that he would give him something worse? A. He did.

Q. When was it he said that? A. On Sunday before this difficulty. It occurred on the following Friday. I suppose it was.

Q. After this shooting Simmons was very much excited, wasn't he?

A. I think so;

Q. He acted like he was very much excited? A. Yes, sir.

Q. You can not remember whether he said, in that talk, that he was sorry that he killed the man? A. Something to that effect, but I can't remember the words.

Q. You do know, Mr. Farrow, it to be a fact that Mr. Simmons started to town to give himself up to the officer? A. Yes, sir.

Q. How long, Mr. Farrow, have you known John Sands? A. He has been working for me about eight years; I expect about eight years.

Q. I'll ask you what his reputation<sup>is</sup> in that neighborhood as being a dangerous man? A. I don't know whether I ever heard any man talk of him in that way. Only that he had had some trouble. So far as being dangerous, I don't know whether I ever heard anybody say he was dangerous.

Q. Had you heard him threaten this man Simmons any other time?

A. I heard him say that he had went to him once in the woods and made him beg like a hound pup.

Q. Did you ever hear him make any other threats against Simmons? A. I don't know that he ever made threats other than in a common conversation.

Q. I will ask you if Simmons had not ask you to explain to Sands that he didn't want any trouble with him, and had nothing against him? A. Yes, sir; I heard Mr. Simmons say that several times, but as to asking me to tell him, I have no recollection.

Q. You say there wear four shots fired? A. Yes, sir.

Q. Only two took effect? A. Only one hit in the body.

Q. Did Sands fall when the last shot was fired? A. Yes, sir.

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This Case No. 03-100000-0000  
Protective Order  
Case 03-100000-0000

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Sands went forward all the time, and did not fall backward at all.

Q. When he finally fell, did he fall towards Mr. Simmons? A. Yes, sir.

RE-DIRECT EXAMINATION: By Mr. Hines.

Q. Did you tell Mr. Simmons what Sands had said to you? A. I did.

Q. When did you tell him? A. Sunday evening.

Q. The same Sunday that statement had been made to you? A. Yes, sir.

Q. What did Simmons say? A. He had a jug full of water and threwed it down on the lumber pile and snatched his hat off his head and throwed it down, and popped his fists, and said he could whip the son-of-bitch that would accuse him of such a thing; that he knew nothing about it, and had nothing to do with it. He went away like a mad person would.

Q. Did he leave his home and come to Jackson? A. I couldn't say whether he did, or not; they say he did; that he came on Monday.

Q. Did you see Simmons again before the shooting? A. Yes, sir.

Q. Did you talk with him any further about their troubles? A. Nothing more than what he told me to tell Mr. Sands.

Q. I ask you if he didn't tell you that he had bought a revolver, and was ready for Sands? A. I don't know how as he came out and said that he had bought a revolver. He said he had prepared for him if he jumped on him, and that he did not propose to have Sands to beat him up.

Q. There was a grudge between these men of long standing? A. Well, sir, I couldn't tell. It has been a family quarrel for sometime; couldn't tell whether they had any particular grudge, or not.

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Subscribed and sworn to before me  
on this 20<sup>th</sup> day of June, 1901.

*Alfred F. Farnham*  
*Charles H. LePrieux, Notary*  
*J. M. Guider, Justice of the Peace*

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Staple

Willie Farrow, being produced, sworn and examined, testified,  
as follows:

Q. State how old you are, Willie? A. I am fourteen years  
old.

Q. You are a son of Alfred Farrow? A. Yes, sir.

Q. Were you at home on the morning of the shooting? A. Yes,  
sir.

Q. Did you see Mr. Sands and Mr. Simmons? A. Yes, sir.

Q. I will get you to tell what you saw? A. Me and George was  
going to make a fire in the engine to plane lumber, and I  
seen Mr. Sands coming down the road, and I loked up the other  
way and I seen Levi coming the other way, and I spoke to Mr.  
Sands, and I said, "How are you, John?" and he said, "How are  
you, Billy?", and he spoke to George. And by that time Mr.  
Simmons was going up to the house to borrow our wagon, and  
came back down there, pretty near to the wagon, and Sands  
hollered at him, "Hello there, you red-headed son-of-a-bitch!"  
and he said, "You want me to cut that hickory for you?" And  
Simmons said, "No, I don't." And Mr. Sands told him to  
come over there and he would cut that hickory for him now. "  
"No, I don't want to come, John"; and John started across  
the creek and Levi ran apiece, and Sands stooped down and  
picked up some rocks, and Simmons he ran on a piece to a  
hickory tree, and Sands kept at him with rocks, and Sands  
drew back like he was going to throw it. And Levi kinder  
stoped over and had his revolver out, and said, if he  
threwed them rocks, I got to hurt you. He told him he was a  
coward and wouldn't fight--he said that, Sands. Sands told him  
he wouldn't go up that road and do a lick of work that day.  
And Sands started of down the road, about ten steps, And Levi  
came on back to the wagon. At that time I was coming up to  
the house. When I was at the house I seen Sands and Simmons  
again, and ~~the~~ Sands threw a rock and revolver fired, and  
then threw another rock, and he shot again. And Sands went  
picked up a club, or single tree, I don't know which, and Starte  
towards Levi and he took both hands and shot him again. And

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Levi Simmons – Murder Trial [A00756-38]

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-2-

he kinder dropped his head and came up this way about two steps farther and <sup>took some steps further</sup> stumbled and fell. And that was the last I seen of it.

Q. Did you see Levi go down the road in the direction of his home? A. Yes, sir.

Q. Did Sands follow him out around that way? A. Yes, sir.

Q. Did he throw at him that way? A. No, sir; he drawed back like he was going to throw at him, and Levi got his revolver and Sands made out like he was going to throw at him, and Levi told him if he throwed that he would hurt him.

Q. Well, which way did Sands go from there? A. Well, he went down the road about ten steps.

Q Then you say Levi came back to get the wagon--the horse and wagon? A. The horse wasn't there then.

Q. When Levi came up to get <sup>the</sup> wagon did he have his pistol?

A. I didn't see the pistol, I had gone to the house.

Q. Do you know which shot it was that hit Sands? A. I think the third shot.

Q. Do you know what Sands was doing when he shot the third shot?

A. He was about to throw the single-tree.

Q. How close were they together? A. About ten steps.

Q. What makes you think it was the third shot? A He acted-- kinder dropped his head and stumbled.

Q. How many rocks did you see thrown? A. Three

Q. While Sands was down there was when Simmons came down the h hill from your father's house? ~~He~~ A. He was going along the big road.

Q. Well, did you speak to Sands first, or Simmons? A. Sands.

Q. Simmons got there first and went up the hill before Sands came? A. Yes, sir.

Q. And while Simmons was up to the house--your father's house--Sands came along and spoke to you? A. Yes, sir.

CROSS-EXAMINATION: By Mr. Miller.

Q. Simmons came along a different road altogether from Sands?

A. Yes, sir.

Subscribed and sworn to before me Willa Barrow  
this 20<sup>th</sup> day of June, 1901. J. M. Miller J.P.

Cape Girardeau County  
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Jackson, MO 63755

Levi Simmons – Murder Trial [A00756-39]

39

R. W. Russell, being produced, sworn and examined, testified, as follows:

Q. State your name? A. R. W. Russell?

Q. Residence and occupation? A. Jackson, Mo.; hardware.

Q. You know Levi Simmons? A. Yes, sir.

Q. Did you sell him a revolver? A. Yes, sir.

Q. When? A. I think it was last Wednesday afternoon.

Q. Where? A. Down in the store.

Q. What kind of a revolver did he buy? A. Bought a 32 Harrington & Richards.

Q. Buy any ammunition for it? A. I think two or three rounds-- not a full box--50 in a box.

Q. Did he make any statement to you at the time he bought it about what he wanted with it? A. Yes, sir.

Q. What was it? A. Wanted to kill a fox.

Q. Wanted to kill a fox? A. That was about what he said--wanted to kill a fox.

R. W. Russell

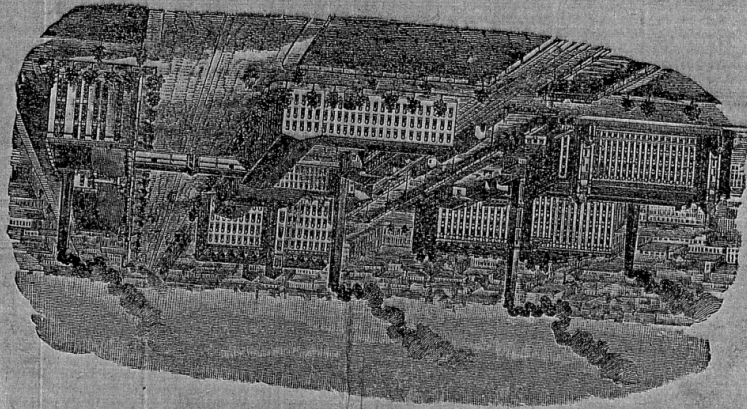
Subscribed and sworn to before me this

21<sup>st</sup> day of June, 1901.

J. M. Priddy  
Justice of the Peace

Levi Simmons – Murder Trial [A00756-40a]

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*An file July 10,  
1881 by W. J. P.  
in habit to Manday owned*

Elastic

Levi Simmons – Murder Trial [A00756-40b]

we understand his life is  
threatened this will not  
do  
The people in this country  
is not going to stand it any  
longer  
so this is the last call

---

Levi Simmons – Murder Trial [A00756-41a]

Jackson Missouri  
May 16<sup>th</sup> 1901

41

Mrs Owens

I want to write you today to let you know how people is talking about you folks treating Mr Owens now I want to give you fair warning you and Shelby and John Sands if you dont do better and treat Mr Owens like a white man I will call the white caps in and there will be trouble I will show you you cant treat Mr Owens the way you have been treating him he has worked to hard for you children to treat him so bad.

now just do what you please if you dont do wright there will be a large crowd come to see you and treat your boy rough

Levi Simmons – Murder Trial [A00756-41b]

I dont care for none  
of you any more  
than days for you  
have mistreated  
me and all the child  
and when we needed  
any one to sit up when  
they was sick you  
was all here to wait  
an in day time  
old Brog belly  
litter better get  
his wedge and his  
hain and that base  
of pain into a way  
that is better

all manners fit  
for it to lay round  
and keep up afust  
sister and shelby hatt  
she told the children  
that no body knowed  
her full name but her  
children guess they are  
I think where she was  
raised some of them know  
you dont none of you get  
in sense as for me I dont  
think enough of any of  
you to write to you good  
or bad all ask of you all  
is the adness put your  
foot in my hand

Levi Simmons – Murder Trial [A00756-42]

Levi a swatch to  
whip him with  
he may get the  
swatch but if he  
dant be carefull  
he will get something  
worse than that handed  
to him first for he  
dant take none of the  
whole shooting match  
of you Levi has gone  
to town today he is  
going to make you  
know it it and  
he dant care for any  
of you but i dant want  
other people to think  
that i would have any thing  
to do with such trash

and if you ever  
do i will kick  
you so high the  
blue birds will  
hurd in your  
asses be fore you  
dight tell  
man and sheld  
i am done with  
forever if they  
die i will not  
go to see them  
hurried

Levi Simmons – Murder Trial [A00756-43]

i wish man  
 could see what  
 her own people  
 thinks of her  
 it aint only her  
 it is all of you  
 i will blame  
 her saying i dont  
 want any of you  
 ever to speak  
 to me again  
 and stay  
 a way from  
 me if you  
 please

well Clara i heard  
 you said that i wrote  
 that letter you or any  
 body else says that  
 it is god damn liars and  
 god damn your soul  
 if i get in your hair  
 it will be that be  
 stella they was and  
 certain one heard you  
 say that you knowed  
 i wrote it and you  
 all can fix your  
 selves to prove it  
 and that damn son  
 of a bitch if  
 John says told farrow  
 that i wrote it and  
 he was going to

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 Jackson, MO 63703

Et



Court Records

Levi Simmons – Murder Trial [A00756-44]

CASE NO. 44

THE STATE OF MISSOURI,

vs.

In the Circuit Court.

Cape Girardeau County, Missouri.

*Levi Simmons*

Twenty-Eighth Judicial Circuit

BILL OF COSTS chargeable against *State of Missouri*, Cape Girardeau County, in the case above stated, upon In-

formation against said Defendant, for *Murder*

returned by *J. M. Sneider*, Justice of the Peace, of Cape Girardeau County,

Missouri, at the *August* Term, A. D. 1901, of the Circuit Court in

said County, and *name changed from Justice McLain to Justice*

*Sneider. On preliminary hearing defendant found Not Guilty. Justice Certified probable cause.*



	DOLLARS	CTS.	DOLLARS	CTS.
<i>Due Jas. McLain, Justice of the Peace</i> <i>Att &amp; Adv<sup>100</sup>, Affidavit<sup>25</sup>, Warrant<sup>25</sup>, Certifying all papers<sup>50</sup> 100<sup>25</sup></i>			2	40
<i>Due J. M. Sneider, Justice of the Peace</i> <i>Att &amp; Adv<sup>100</sup>, Subpoena<sup>25</sup>, 6 copies<sup>50</sup></i>	2	25		
<i>Judgment<sup>50</sup>, Certifying all papers<sup>50</sup></i>	1	00	3	25
<i>Due George Grant, Constable</i> <i>Scanning 1 witness</i>				25
<i>Due John C. Colver, City Sheriff</i> <i>Scanning Warrant<sup>100</sup>, Commitment<sup>100</sup></i>	2	00		
<i>Scanning 9 returns<sup>50</sup>, Court Edway<sup>150</sup></i>	5	00	7	00
<i>Due Chas. H. LaRosa, Stenographer</i> <i>Taking &amp; transcribing testimony, 87<sup>00</sup> cost 150</i>			12	30
<i>Witnesses, Before Justice McLain</i>				
<i>Wm. Tarran 1 day, 3 miles</i>	65			
<i>George Tarran 1 " 3 "</i>	65			
<i>Bertha Tarran 1 " 3 "</i>	65			
<i>Wm. Tarran 1 " 3 "</i>	65			
<i>Witness Simmons 1 "</i>	50		3	10

TOTAL AMOUNT *Two* \$ 28. 70

Levi Simmons – Murder Trial [A00756-45]

45

STATE OF MISSOURI, } ss. In the Circuit Court, Cape Girardeau County.  
COUNTY OF CAPE GIRARDEAU.

We, the Judge of the 28th Judicial Circuit of the State of Missouri, and the Prosecuting Attorney of the county aforesaid, do hereby certify that we have strictly examined the foregoing Bill of Costs during the vacation of the Circuit Court at the \_\_\_\_\_ Term, A. D. 190\_\_\_\_, and find the same amounting to \_\_\_\_\_ Dollars and \_\_\_\_\_

Cents to be correct; and the County of Cape Girardeau is liable for the payment thereof. We further certify that the defendant was \_\_\_\_\_ that the offense charged \_\_\_\_\_

and punishable by fine or imprisonment in the county jail, and that the services were rendered for which charges are made, and that compensation is given by law for the services for which charges are made, and that the costs are properly taxed against the proper party. We further certify that the defendant is insolvent, and that no costs charged in the foregoing bill (except fees for board) were incurred on the part of said defendant; and that not more than three witnesses are charged for to prove any one fact.

\_\_\_\_\_  
Judge.  
\_\_\_\_\_  
Term, 190\_\_\_\_ Prosecuting Att'y.

CLERK'S CERTIFICATE TO ORIGINAL.

STATE OF MISSOURI, } ss. I, CHRIS. F. BETTEN, Clerk of the Circuit Court in the county aforesaid, certify the foregoing to be a true, full and complete Bill of Costs accruing in the above entitled cause and for which the County of Cape Girardeau is liable, together with the certificate of the examination and allowance of the same, signed by the Judge of our said Court, and Prosecuting Attorney of said county. And I further expressly state that I have at no previous time certified or sent a copy of the same bill for payment.

WITNESS my hand and the seal of our said Court. Done at office at Jackson this \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_  
\_\_\_\_\_  
CLERK.

CLERK'S CERTIFICATE TO COPY.

STATE OF MISSOURI, } ss. I, CHRIS. F. BETTEN, Clerk of the Circuit Court in the county aforesaid, certify the foregoing to be a true, full and complete copy of the Bill of Costs accruing in the above entitled cause and for which the County of Cape Girardeau is liable, together with the certificate of the examination and allowance of the same, by the Judge of our said Court, and Prosecuting Attorney of said county, as fully as the same appears on the original Bill of Costs. And I further expressly state that I have at no previous time certified or sent a copy of the same bill for payment.

WITNESS my hand and the seal of our said Court. Done at office at Jackson this \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_  
\_\_\_\_\_  
CLERK.

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112 East Washington  
Jackson, MO 63755

No \_\_\_\_\_  
Cape Girardeau County Circuit Court.  
**BILL OF COSTS.**  
STATE OF MISSOURI, Plaintiff,  
Against \_\_\_\_\_  
PHO. NEE & SON, PRINTERS, JACKSON, MO.



Levi Simmons – Murder Trial [A00756-47]

47

STATE OF MISSOURI, } ss. In the Circuit Court, Cape Girardeau County.

We, the Judge of the 28th Judicial Circuit of the State of Missouri, and the Prosecuting Attorney of the county aforesaid, do hereby certify that we have strictly examined the foregoing Bill of Costs during the vacation of the Circuit Court at the August Term, A. D. 1901, and find the same amounting to Three Dollars and Five Cents to be correct;

and the County of Cape Girardeau is liable for the payment thereof. We further certify that the defendant was upon preliminary hearing found not guilty that the offense charged is death on a felony by imprisonment in the Penitentiary, and punishable by fine or imprisonment in the county jail, and that the services were rendered for which charges are made, and that compensation is given by law for the services for which charges are made, and that the costs are properly taxed against the proper party. We further certify that the defendant is insolvent, and that no costs charged in the foregoing bill (except fees for board) were incurred on the part of said defendant; and that not more than three witnesses are charged for to prove any one fact.

August Term, 1901 Judge: Henry C. Riley Prosecuting Att'y: T. D. Adams

CLERK'S CERTIFICATE TO ORIGINAL.

STATE OF MISSOURI, } ss. I, CHRIS. F. BETTEN, Clerk of the Circuit Court in the county aforesaid, certify the foregoing to be a true, full and complete Bill of Costs accruing in the above entitled cause and for which the County of Cape Girardeau is liable, together with the certificate of the examination and allowance of the same, signed by the Judge of our said Court, and Prosecuting Attorney of said county. And I further expressly state that I have at no previous time certified or sent a copy of the same bill for payment.

WITNESS my hand and the seal of our said Court. Done at office at Jackson this 6th day of September 1901 CLERK: Chris F. Betten

CLERK'S CERTIFICATE TO COPY.

STATE OF MISSOURI, } ss. I, CHRIS. F. BETTEN, Clerk of the Circuit Court in the county aforesaid, certify the foregoing to be a true, full and complete copy of the Bill of Costs accruing in the above entitled cause and for which the County of Cape Girardeau is liable, together with the certificate of the examination and allowance of the same, by the Judge of our said Court, and Prosecuting Attorney of said county, as fully as the same appears on the original Bill of Costs. And I further expressly state that I have at no previous time certified or sent a copy of the same bill for payment.

WITNESS my hand and the seal of our said Court. Done at office at Jackson this \_\_\_\_\_ day of \_\_\_\_\_ 1901 CLERK:

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#1467

Form with fields for No., Cape Girardeau County Circuit Court, BILL OF COSTS, STATE OF MISSOURI, Plaintiff, Levi Simmons, Agent

**Compiled by James B. McVicker**

<http://freepages.genealogy.rootsweb.ancestry.com/~mcvicker/>