Platte County Circuit Court
Circuit Court
July Term 1840

Box 2 File 66

State of Missouri

vs

May, Ware S
Ben, a Slave (Slave of Ware S May)

Murder

Defendants charged in death of Tom, slave belonging to Andrew S Hughes
Ware S May received change of venue to Clay County in August 1840
Ben's case continued in Platte County

State of Missouri }
County of Platte }

In the circuit court
July Term in the year
of our Lord one thou
sand eight hundred
and forty

The grand jurors for the State of
Missouri, for the body of the county
of Platte aforesaid upon their
oath present that Mary S May
late of said county of Platte.
and Ben late of said county
of Platte, a negro man slave
the property of said Mary S May
not having the fear of God
one the eyes but being moved
and seduced by the instigation
of the devil on the tenth day of April
in the year of our Lord eighteen
hundred and forty with force and
arms at the county of Platte
aforesaid in and upon one Sam
a negro man slave the property
of Andrew S Hughes in the peace
of God and the said State of Missouri
feloniously wilfully and of their
malice aforethought did make
an assault and that the said
Ben negro man slave of the said
Mary S May aforesaid, not
having God before his eyes but
being moved and seduced
as aforesaid with force
and arms a gun charged
with gun powder and
one leaden bullet, which the said

given by the said Ben negro man
slave of the said Thom J Macy as
aforesaid, in both his hands
then and there had and held
then and there feloniously wilfully
and of his malice aforethought did
did discharge and shoot off
to, against, and upon the said
Tom negro man slave of the
said Hendrick S Hughes as afores
=aid, and that the said Ben
negro man slave of the said
Thom J Macy as aforesaid, with
the leaden bullet aforesaid out
of the gun aforesaid, then and
there by the force of the gunpow
=der aforesaid by the said Ben
negro man slave of the said
Thom J Macy as aforesaid did sch
=arge and shoot off as aforesaid
then and there feloniously wilfully
and of his malice aforethought the
did strike penetrate and
wound the said Tom negro
=man slave of said Hendrick
S Hughes as aforesaid in and up
=on the right side of the body of
him the said Tom negro man slave of
the said Hendrick S Hughes as aforesaid
near the [illegible] of him the
said Tom negro man slave
as aforesaid of the said Hendrick S Hughes
as aforesaid giving to him the said
Tom negro man slave of the said
Hendrick S Hughes as aforesaid, then

and there with the leaden bullet aforesaid so discharged and shot out of the gun aforesaid, by force of the gunpowder aforesaid by the said John negro man slave of the said Andrew S Hughes as aforesaid in and upon the right side of the body of him the said John negro man slave of Andrew S Hughes as aforesaid near the lower rib of him the said John negro man slave of the said Andrew S Hughes as aforesaid one mortal wound penetrating in and through the body of him the said John negro man slave of Andrew S Hughes as aforesaid of which said mortal wound he the said John negro man slave of Andrew S Hughes as aforesaid on and from the said tenth day of April in the said year of our Lord eighteen hundred and forty until the eleventh day of April in the said year eighteen hundred and forty at the county of Platte aforesaid did languish and languish and which said eleventh day of April in the said year of our Lord eighteen hundred and forty at the hour of ten o'clock in the morning in the said John negro man slave of the said Andrew S Hughes of the county of Platte aforesaid

of the mortal wounds aforesaid
and the grand jurors
aforesaid on their oaths aforesaid
do say that the said Thomas S
May at the time of committing
the felony and murder aforesaid
= and there and then feloniously
= by wilfully and of his malice
aforethought did procure
aiding, helping, abetting, com-
= forting, assisting and main-
= taining the said Ben negro
man slave of the said Thomas S May
as aforesaid to kill and murder the
said John negro man slave
of the said Andrew S Hughes in
manner and form aforesaid
and so the jurors aforesaid upon
their oaths aforesaid do say that
the said Thomas S May and
Ben negro man slave of
the said Thomas S May as afore-
= said did the said John
negro man slave of the said
Andrew S Hughes as aforesaid
in the manner and by the me-
= ans aforesaid, feloniously, wil-
= fully and of their malice aforethou-
= ght did kill and murder against
the form of the Statute in such
case made and provided and
against the peace and dignity
of the State.

Pitts H. Burnett
Circuit Attorney.

State of California
vs
Wm Munden
Manuel Mayo and
Benn, a Slave

Action Riot
Battery

Jose Marin
The Grand Jury
William Dalton
Chas H. Ellis
Pub. Stenographer

Wallace Jackson
as Foreman

We the Jurey find the defendant
not guilty

State of Missouri } In the Circuit Court of July
County of Platte } Term in the year of Our Lord
One thousand Eight hundred
and forty

The Grand Jurors for the State of Missouri
for the body of the County of Platte aforesaid
upon their Oath present that Isaac I May
late of said County of Platte and Ben late
of said County of Platte a negro man slave
the property of said Isaac I May not having
the fear of God before their eyes but
being moved and seduced by the instigation
of the devil on the tenth day of April in
the year of Our Lord Eighteen hundred and
forty three with force and arms at the County
of Platte aforesaid in and upon one
Ben the negro man slave the property of
Andrew S Hughes in the fear of God and
the said State then and there feloniously wilfully
and of their malice aforethought did make
an assault and that the said Ben negro
man slave of the said Isaac I May as aforesaid
and a certain gun then and there charged with
gun powder and one leaden bullet which
said gun the said Ben negro man slave
of the said Isaac I May as aforesaid in
both his hands then and there had and held
then and there feloniously wilfully and
of his malice aforethought did discharge
and shoot off to against and upon the
said Dave negro man slave of the
said Andrew S Hughes, as aforesaid and
that the said Ben negro man slave
of the said Isaac I May as aforesaid
with the leaden bullet aforesaid out of
the

the gun aforesaid Forward Thus by the force of the Gun powder aforesaid By the said Ben Negro man Slave of the said Isaac Mack as aforesaid discharged and Shot off as aforesaid Forward Thus feloniously Wilfully and of his Malice aforethought did Strike pierce and wound the said Dow Negro man Slave ~~of~~ of the said Andrew Hughes as aforesaid in and upon the right Side of the belly of the said Dow Negro man Slave of the said Andrew Hughes as aforesaid near the lower Rib of which the said Dow Negro man Slave of Andrew Hughes as aforesaid giving to him the said Dow Negro man Slave of Andrew Hughes as aforesaid Forward Thus with the leaden Bullet aforesaid he as aforesaid discharged and Shot Out of the gun aforesaid by force of the gun powder aforesaid By the said Ben Negro man Slave of the said Isaac Mack as aforesaid in and upon the right Side of the body of him the said Dow Negro man Slave of Andrew Hughes aforesaid near the lower Rib of which the said Dow Negro man Slave of Andrew Hughes aforesaid One mortal wound penetrating in and through the body of him the said Dow Negro man Slave of Andrew Hughes aforesaid of which said mortal wound he the said Dow Negro man Slave of Andrew Hughes as aforesaid On and from the said tenth day of April in the year of Our

Lord Eighteen hundred and forty until the
Eleventh day of April in the said year of
Eighteen hundred and forty at the County
of Platte aforesaid did languish and
languishing did live and which said
Eleventh day of April in the said year
of Our Lord Eighteen hundred and forty
about the hour of ten O'clock in the morn
ing in the said Town negro man slave
of the said Andrew J Hughes of the
County of Platte aforesaid of the mortal
wound aforesaid And the Grand Jurors
aforesaid upon their oaths aforesaid aforesaid
do say that the said Mark A May at the
time of committing the felony and murder
aforesaid then and there feloniously wilfully
and of his malice aforethought was present
aiding helping abetting comforting and
assisting and maintaining the said Ben
negro man slave of the said Mark A
May as aforesaid to kill and murder
the said Town negro man slave of the
said Andrew J Hughes ~~as aforesaid~~
in manner and form as aforesaid.
And so the Jurors aforesaid upon their
oath aforesaid do say that the said
Mark A May and Ben negro man slave
of the said Mark A May as aforesaid
them the said Town negro man slave
of the said Andrew J Hughes as
aforesaid in the manner and by the
means aforesaid feloniously wilfully
and of their malice aforethought did
kill and murder against the form of
the statute in such case

made and provided and against the peace and dignity of the State

Peter A Burnett
Orient attorney

The State
vs
B Munger
Bar a Man

Copy — 75

The State of Missouri
vs Murder
Frank S May

In the Platte Circuit Court — Vacation

To Peter H Burnett Circuit Attorney for the 5th Judicial Circuit in the State of Missouri.

Take notice That on Tuesday the Fourth day of August 1840 I shall apply to the Honorable Austin A King Judge of the 5th Judicial Circuit at his residence in Ray County to change the venue in the above Cause from the County of Platte where the Indictment in said Cause is now pending and undetermined to some other County of said Circuit and shall assign as the reason for said change that the minds of the inhabitants of said County of Platte are so much prejudiced against him that a fair trial cannot be had therein. Liberty 1st August 1840

Frank S May
by A McDonnigal
his Attorney

Without admitting the sufficiency of the above notice, I acknowledge the service of the same. Liberty, August 1st 1840.

Peter H Burnett
Circuit Attorney

The State of Missouri
vs Indictment for Murder } In Platte Circuit
Wm L May } Court-In Vacation

To the Honorable Austin A King Judge of the 5th Judicial Circuit in the State of Missouri

your Petitioner Wm L May would respectfully represent that at the July Term A.D 1840 of the Platte Circuit Court your Petitioner was Indicted for the Murder of a Negro Slave - the property of Archer S Hughes which Indictment is still pending and undetermined in said Court - your Petitioner would further represent to your Honor that the Minds of the Inhabitants of the said County of Platte are so prejudiced against this Defendant that a fair trial cannot be had therein in said County - your Petitioner therefore prays your Honor may change the venue and trial of said cause to some other County in said Circuit where said Cause does not Exist

Liberty August 1st 1840

Wm L May
Defendant

State of Missouri }
County of Clay } ss

Be it remembered that on this 3rd day of August 1840 before Abraham Shafer a Justice of the Peace in and for the County aforesaid personably Came Wm L. May the above Petitioner who being duly sworn upon his oath says that the matters and things set forth in the above petition are true as

Substance and in Fact.

W. S. May

Sworn to and Subscribed
before me the day & year aforesaid
Abraham Shafer JP

JP

State of Missouri
County of Platte } ss.

Be it remembered
that on this 5th Day of August 1840
before me Mathias Master a
Justice of the Peace within and for
the County of Platte aforesaid personally
appeared John Bryant who is
a Credible disinterested person who being by
me first duly Sworn upon his oath states
that he verily believes that the matters &
things set forth in the Petition of Wm. S.
May are true in Substance and in
fact

Sworn to and Subscribed
before me the day & year aforesaid
Mathias Master JP

State of Missouri — In the Platte circuit Court
vs — Indictment, Murder.
Wm. S. May and
Benj. A Shaw

In vacation
4th August 1840.

Now at this day came present
Hon. before me the undersigned
Judge of 5th Judicial circuit,
at my residence in said County
- ty, the petition of Wm. S. May
one of the above named defenda
- nts praying that the time for
trial of said above named
cause may be changed, and that
the trial of said Wm S May
one of the above named defen
- dants may be removed to an
- other county. The said petition
of Wm S May supported by
affidavit as required & there
setting forth as a reason that
the minds of the inhabitants of Platte
county are so prejudiced against
him the said Wm S May that
a fair trial cannot be had
therein, It is therefore ordered,
on the application of the said
Wm. S. May as aforesaid and
for the reason that the minds
of the inhabitants of Platte coun
- ty are so prejudiced gainst

him said Thomas S Mccoy that a fair trial cannot be had in said county. that the venue and trial of said Thomas S Mccoy be and the same is hereby removed to the county of Clay in said circuit. — Given under my hand this day and year aforesaid

Thos. L. King
Judge &c.

State
vs
Thos. S. McCoy

Order for change of Venue —

State of Missouri } **Sct.**
County of Platte }

THE STATE OF MISSOURI TO William B. Almond Jones W. Owen and Nels. Olave of D. Dent

You are hereby commanded that you be and appear before the Judge of our Platte Circuit Court, at the Court-house in Platte city on the 23rd day of November next to give evidence between The State of Missouri plaintiff and Ben a Slave defendant, on the part of the Plaintiff

Herein fail not at your peril,

Witness Jesse Morin, Clerk of said Circuit Court, with ~~the~~ my hunde seal thereof affixed, at office this 25th day of September 184 0

Jesse Morin — Clerk

The State
vs
Ben a Slave
W. B. Almond et
John W Mills et
Will Marshall
Hunt
Shiffodes Ft. 1, 12 c

Executed March 14 1856 by Deputies
Wm Davis & Almond & Bond Sheriff
Rockbridge County —

J. H. Davis Shff R.C.
By Mc McCown DS

State of Missouri } Set.
County of Platte }

The State of Missouri to the Sheriff Platte County Greeting. You are hereby Commanded to take Bent a negro man slave the property of Isaac L. May if he be found in your County and him safely keep so that you have him before the Judge of our Platte Circuit Court at the Court house in Platte City On the first day of our next March term of said Court to bring the 22nd day of March 1841 to answer unto the State of Missouri for Murder of Michael Maudy whereof he stands indicted by the Grand Jury of the County aforesaid fail not at your peril and have you then and there this writ.

Witness Isaac Morin Clerk of said Circuit Court with the seal thereof affixed at Platte City this 29th day of January A.D. 1841

Isaac Morin Clerk

the Defendant not found in
Platte county Mo

Fee 50 cents

Jones H. Owen
Sheriff Ple

The State
vs
Wm Hughes
Case Slander
Writ Sworn Com
1841

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY, MO.

STATE OF MISSOURI,
COUNTY OF PLATTE, } SCT.

The State of Missouri, to the Sheriff of Platte County---Greeting:

You are hereby commanded to take Ben a Marcette property of Wales, if he be faund in your county, and him safely keep, so that you have his body before the Judge of our Platte Circuit Court, at the court-house in Platte City, on the first day of our next July term of said court, to be holden at Platte City, on Monday the 12th day of July next, to answer unto the State of Missouri for Murder

of which he stands indicted by the Grand Jury of the county aforesaid. Fail not at your peril; and have you then and there this writ.

WITNESS, JESSE MORIN, Clerk of said Circuit Court, with the seal thereof affixed at Platte City, the 28th day of May A. D. 1841

Jesse Morin CLERK.

The State
vs
Benj. Davis

July Term 1841

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE, }

The State of Missouri:

To William Ballman Lewis H. Lewis & Miles Mann of David Hunt

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 12th day of July next, to give evidence between the State of Missouri plaintiff and Burr C. Mann defendant on the part of the the State And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 5th day of June A. D. 184[illegible]

Jesse Morin CLERK.

Recorded July 21 1841 in
Public Records for Bun & Blount

Jesse Bomar Sheriff
By Wm Norris D

Plus Sale
& Sq
Ben a Slave

Wm Ballman
P H Avera +
Wels Slave of
David Hunt +

Shff fee $100

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE.

The State of Missouri:

To William Bollman James Bt
Owen & Nels a Man of David
Hunt

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 25th day of October next, to give evidence between the State of Missouri plaintiff and Ben a Man defendant on the part of the State. And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 9th day of Sept A. D. 1841

Jesse Morin CLERK.

Agents as the law directs in
Platte County on the 25 day of
Oct 1841

J H Brenstuff

State
of
Mo
Ben a Stars

Wm Ballinger
& al Execs
Mich Mary
Hunt

Sept Fe 152

Nov 1 1841

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

STATE OF MISSOURI,
COUNTY OF PLATTE, } SCT.

The State of Missouri, to the Sheriff of Clay County---Greeting:

You are hereby commanded to take Bew a Mark if he be faund in your county, and him safely keep, so that you have his body before the Judge of our Platte Circuit Court, at the court-house in Platte City, on the first day of our next October term of said court, to be holden at Platte City, on Monday the 25th day of October next, to answer unto the State of Missouri for Murder

of which he stands indicted by the Grand Jury of the county aforesaid. Fail not at yo peril; and have you then and there this writ.

WITNESS, JESSE MORIN, Clerk of said Circuit Court with the seal thereof affixed at Platte City, the 9th day of September A. D. 184 1

Jesse Morin CLERK.

The Answer Plea Writ Mal Execution
Filed Oct 25th 1841
Daniel Yancey & Clay Edmunds
& Clay Edmunds

The United States
to the
Sheriff of Madison

Dr. Clay

Thereof fail not
Order
Filed Oct. 25th 1841
Jyo Morris Clerk
By Thos Morris Deck

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY, MO.

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE, }

The State of Missouri, to the Sheriff of Clay — County—Greeting:

You are hereby commanded to take Ben a Glass ——— if he be found in your county, and him safely keep, so that you have his body before the Judge of our Platte Circuit Court, at the court-house in Platte City, on the first day of our next March term of said court, to be holden at Platte City, on Monday the 28th day of March next, to answer unto the State of Missouri for Murder — ———

of which he stands indicted by the Grand Jury of the county aforesaid. Fail not at your peril; and have you then and there this writ.

WITNESS, JESSE MORIN, Clerk of said Circuit Court, with the seal thereof affixed at Platte City, the 4th day of December A. D. 1841

Jesse Morin Clerk

By Ira Norris D. CLERK.

I Samuel Hadley Sheriff of Clay County do hereby certify that I executed the within writ by taking the within named Slave Ben into custody and delivering him or surrendering him to the Circuit Court of Platte County at Platte city this 28 day of March 1842

Samuel Hadley S.C.C

By Ashby Pettes Dept S.C.C

The State
Vs. Writ
Ben a Slave

1-5
F

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE, }

The State of Missouri:

To William Ballman. Jonas K. Owens and Nelse a Slave of David Hunt

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 28th day of March — next, to give evidence between The State of Mipouri — — plaintiff and Ben a Slave — — — defendant on the part of the State — And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 4th day of December A. D. 1841

Jesse Morin Clerk

By Dan Norris D. CLERK.

Executed on the 25th day of
March 1842

J. A. Owen
Sheff

On the State of Alabama
45. 3 Judicial
Ben a Adams

For
William Ballinger
John H. Owen
and Wm. A. Mar of
Merrick Bank

Jun 2. 00

The State of Missouri } Sct.
County of Platte }

The State Missouri to Matthew M. Hayes. You are hereby commanded and required that you Subpoena & summon Isaac Boyce before the Judge of our Circuit Court at the Court House in Platte City on Monday the 28th day of March inst. to give evidence in in a certain Case in said Court pending in which The State of Missouri is Plaintiff and Isaac Boyce is defendant. on the part of the defendant and this you are in no wise to omit

Witness Jesse Morris Clerk of said Circuit Court with the seal thereof affixed at Platte City this 24th day of March A.D. 1842

Jesse Morris Clerk
By Ira Harris D Clerk

State

~~Vs.~~

~~George A. Shaw~~

~~Wm. M. Hughes~~

Summon

George A. Shaw

& Wm. M. Hughes

Jus 1.50

Cynthia

Penn & Evans Sts

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE.

The State of Missouri:

To William Duff. Bela M. Hughes
Squire P. Thark and Zachariah Thurston,

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 28th day of March inst. next, to give evidence between The State of Missouri plaintiff and Ben a Slave ——— defendant on the part of the defendant. And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 24th day of March A. D. 184 2

Jesse Morin Clerk

By Jno Morris D. CLERK.

Quentin as the law Requires
I H Counsell

Dr Park
No 7 Dukes
Dr & Clan

Plummer
Millum Dyer
Dea Mr. Hughes
Jam D. Clark
& Calhoun Clark

Pr 2.00

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE, }

The State of Missouri:

To Mary D. Magruder and Robert ~~Evans~~
Cain

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 28th day of March inst. next, to give evidence between The State of Missouri plaintiff and Benj. Nave ——— defendant on the part of the State And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 24th day of March A. D. 184 2

Jesse Morin Clerk

By Wm Morin D. Clerk.

PRINTED AT THE FAR WEST AND PLATTE ADVERTISER OFFICE, LIBERTY.

The State

vs.

Benn a slave

Summon

Wm D. Wiley

~~& Robert Goins~~

& Robert Cain

Pr 1.00

Guntur Prec & Clerks Office

The State of Missouri

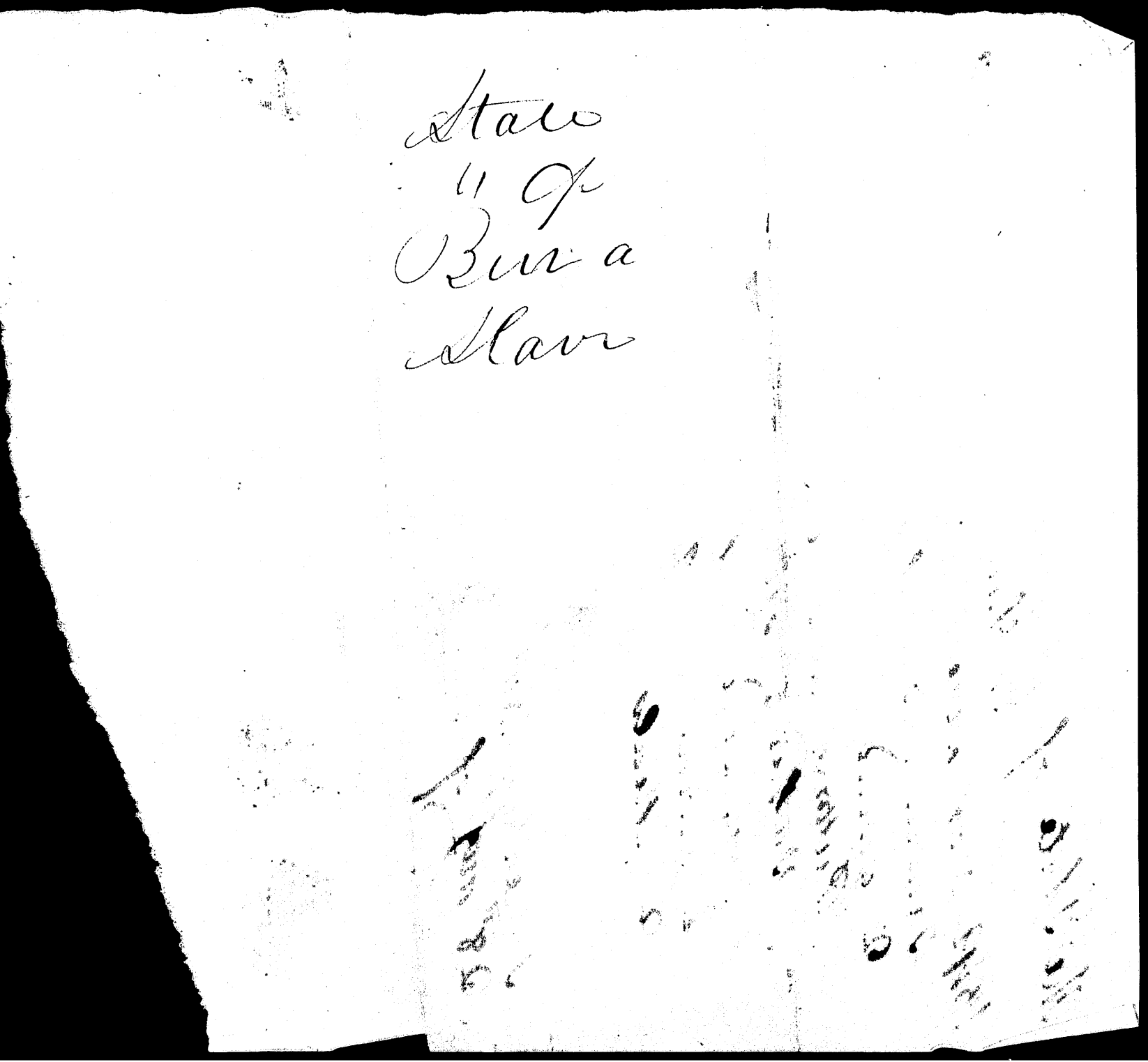
To Samuel Hundley Sheriff &c

1842 Oct 1	arresting Benj Shrewd	$1 00
	Traveling 50 miles self & wife	
	2 guards at 8 ea	12 00
	Putting in Liberty jail	75
	Taking out	75
	2 days services for self &	
	2 guards $1 75	10 50
	2 Meals	37½
		$25 37½

I certify that above to be correct this 28th day of March 1842

Samuel Hundley S.C.C.

By A Peters Dept S.C.C.



The State
vs
Ben a Slave

The Circuit Attorney moves the Court to instruct the jury as follows.

1st That if the jury believe from the evidence that the defendant caused the death of the negro man Sam, by shooting him, with a fixed deliberate and premeditated design to effect death then they will find him guilty of murder in the second degree, unless such killing was in the necessary defence of himself or the property or possessions of his master.

2nd That if they find from the evidence that the defendant shot the said Sam upon a sudden occasion and in the excitement of the moment, and without premeditation, and with a loaded gun, and not in the necessary defence of himself or the property or possessions of his master then they will find him guilty of murder in the second degree.

3rd That to constitute a case of necessary defence there must be some imminent danger of immediate injury; and that if that danger has ceased and determined before the killing it will be no justification.

4th That if they believe from the evidence that Sam had made a violent effort to break into the kitchen in which the defendant then was that defendant had a right to take his life if necessary to prevent his entrance; but if on the contrary they find that Sam had ceased his attempt to forcibly enter the kitchen and had retreated and was not in the act of returning to renew his efforts, but was standing at such a distance as not to endanger defendant or his master's property, then the defendant had no right to take Sam's life.

5th That in every case of unlawfully killing the said Swallows that the individual so offending shall be deemed guilty and shall on conviction forfeit a sum not exceeding Ten Pounds nor less than Five Pounds

Thos Hutchinson
Wm Dickinson
Benj Adams

Filed the 29th
January 1842
L Mann