

THE TROY HERALD.

VOL. 10.

TROY, LINCOLN COUNTY, MO., OCTOBER 20, 1875.

NO. 42.

TROY HERALD.

WEDNESDAY, OCT. 20, 1875

LOCAL AND COUNTY NEWS.

Rain is very much needed now.

John B. Knox returned last Saturday from Colorado.

Woolfolk & Gordon are selling 12 yards best Calicoes for \$1.00.

If you want a good Heating Stove, try the Hardware Store of B. S. Crews.

Lawrence T. Myers and Frank L. Wilson have been appointed notaries public by Gov. Hardin.

Do you want to save wood and work this winter? Then buy a heating stove of B. S. Crews. He is selling them low down.

W. S. Cooper, Old Alexandria, is the agent of the Texas immigration association. Persons thinking of locating in that state will obtain of him valuable information.

If you want a perfectly fitting coat, pants and vest, go to John Sykora, fashionable tailor, first door north of Cake's harness store. Perfect satisfaction guaranteed.

Woolfolk & Gordon have received their second purchase of Winter Clothing, Heavy Cassimeres, Ladies Shawls, and Felt Skirts, and are offering them at reduced prices.

Those of our friends who are looking around for bargains in buying their fall stock of goods will find it to their advantage to read the new advertisement of Parker, Weeks & Co., which appears elsewhere in this paper. Their present stock is an immense one and we have no doubt but that every inducement will be given purchasers.

The following are the appointments for this, the St. Charles, district, made at the Methodist conference. We notice that the Rev. H. Kay has been transferred to the Mexico district and put in the Williamsburg, Callaway county, circuit. St. Charles, T. J. Goodie; Cottleville, H. P. Bond; Wentzville, J. Bird, J. S. Allen; Mechanicsville, W. M. Goode; Wright City, J. M. O'Bryan; Jonesburg, J. Y. Blakey; Troy, S. D. Barnett; Ashley, F. A. Savago; Louisiana, R. M. T. Holliday; Clarksville, J. H. Ledbetter; Auburn, J. Sutton; Alexandria, D. T. Sherman.

There is more building going on now in this county than ever before. The spirit of improvement is general and the carpenters are reaping a rich harvest. One reason is that lumber was never so cheap as now; another is that our people are generally in easy circumstances. Judicious improvements always pay a heavy percent. over cost. The fault frequently is that the farmer stops too soon, instead of extending the improvement to the limits of his farm—his fences and even to the road adjoining. If this were a common practice the result in the advancement of the valuation would astonish the most sanguine.

The ford at Culvre on the Millwood road is in a condition that requires the immediate attention of the overseer. The water has left the center of the channel and runs to this side and under the bank. Having already undermined a tree which stood on the bank, it seriously threatens the approach from this side. The tree fell into the new channel and has caused a deep pool just in the old roadway, which when the stream is full will render its passage difficult and dangerous to those not thoroughly acquainted with it. A small amount of labor, if done at once, would remedy all this and make an excellent ford. The present run should be dammed up so as to force the water through its proper channel.

AN OLD MURDER CASE.

We stated last week that the conviction of Waters for murder in the first degree was the first ever had in Lincoln county. The fact that our county has had her full share, and perhaps more than her full share, of murders, some of them the most brutal on record, and that no honest effort had been made so far to inflict the punishment contemplated by law, has caused some of our older residents, who can count up fifty murders, to look back over the long list, and note the immunities of the criminals. It has been represented to us that we were in error; that there was once a conviction for murder in this county. The case cited occurred in 1838. An examination of the records shows that our statement was correct. A change of venue was taken to Warren county; the prisoner found guilty and sentenced; a new trial was ordered by the supreme court, the case tried in this county and the prisoner acquitted. As this case possesses many points of interest, and is still vivid in the minds of those who resided in the county at the time, we give some of the particulars:

Forty-one years ago William Florence settled on a piece of land about two miles north of west of Auburn. He erected a rude grist mill, driven by horse-power and capable of grinding from ten to thirty bushels of corn a day, which was a great convenience to that part of the county in those early days. He was possessed of some little property and was slowly accumulating, besides making a comfortable living. Until the event about to be related everything moved on happily for him and his family, which consisted of his wife and two bright, intelligent boys, William and Thomas, the elder of which was nine years old. Near by lived Wm. C. Prewitt. Mr. Prewitt now lives near Clarksville and is the largest tax-payer in Pike. He was then quite wealthy, owning a fine farm, well stocked, and several slaves. At this time, September, 1838, he was in Philadelphia attending an institute for the cure of stammering. On his farm was a large orchard. In those times orchards and melon patches were considered as next to common property, and nothing was thought of persons visiting these places for the purpose of helping themselves.

About two o'clock in the afternoon of Saturday, September 1st, Florence rode over to Auburn, leaving the mill and place in charge of his black boy Aaron. He remained but two or three hours and on his return was met a short distance from the house by his wife, who expressed her anxiety at the absence of their two children, to whom she had given permission, shortly after he left, to go to Prewitt's orchard for peaches. Florence himself had repeatedly refused the boys this permission, being fearful of Fanny, one of Prewitt's negro women, she having made threats against the children for coming to the orchard. Hitching his horse to the fence, he walked over to the orchard, but saw nothing of the children. He went on to the house and saw Fanny, but she denied seeing the children. He called up Ellick, Fanny's son, and he also denied seeing the children. He thought, however, from their manner, that something was wrong. He went home and told his wife that he believed Fanny had murdered his children.

The search was continued and by the following day more than a hundred men had collected, among them many of the most prominent citizens of the county: Wm. Sitton, sheriff, father of Mr. L. B. Sitton of Monroe township; Hans Smith, a member of the legislature, a great but erratic genius, and one of the most eloquent orators of that day; Burton Palmer, one of the early surveyors, father of Geo. A. Palmer and Mrs. Richard Fenton; Thaddeus Sanford, William Whiteside and others. On Tuesday the bodies of the children were

found by Burton Palmer in Mill creek, near where Mr. Lewis Koster now lives. The creek had been high but had fallen quickly and left their bodies partly exposed. They were weighted down with stones. The flesh from the face and arms of Thomas, the younger boy, had been eaten by buzzards. It was the presence of the buzzards that directed Mr. Palmer, who was in company with five or six others, to the place. That evening Sheriff Sitton arrested Fanny, Ben, her husband, and Ellick. On Wednesday morning he and John Hammond took Ellick out from the crowd and questioned him about the children. He told them that his mother told him that she had killed them and thrown them into a sink hole; that he could show them where it was done, the stick with which it was done, the end of a horse yoke, and the direction by which his mother had carried them off. They then took him to the woods and tried to obtain further information by threats of hanging. They actually put a rope around his neck and choked him a little, but no further information was elicited. The prisoners were taken before the late Lawrence B. Sitton, a justice of the peace, who lived on the opposite side of Culvre, three or four miles off. Ellick was released but Fanny and Ben were remanded to jail. The jail, such as it was, was kept by a Mr. Chandler, father-in-law of Lewis C. Wright.

Mr. Prewitt returned from Philadelphia and prepared to defend the lives of his negroes. He retained as counsel the late Judge Carty Wells and Edward Bates, who then enjoyed a national reputation, and since attorney general of the United States under Lincoln. Era Hunt was then judge of this circuit, Judge Gilchrist Porter circuit attorney, Francis Parker clerk, and Col. Hunt deputy. The court convened the first Monday in November. The grand jury was composed of "nineteen good and lawful men," of which Lewis Castleman was foreman. Of these we only know three to be still living: Richard Womack, James Porter and Levi Brown. Ellick appeared before them and gave testimony as mentioned above. On this he and Fanny were indicted and Ben discharged. Fanny and Ellick plead not guilty and in the language of the record put themselves "upon the country and the circuit attorney doth the like." Upon the application of Prewitt a change of venue was taken to Warren county. There being no jail in Warren county and the jail in this county in no better condition than it is now, the prisoners were sent to the Pike county jail. In April following Fanny was tried at Warrenton, found guilty and sentenced to be hung. On this trial Ellick swore that he knew nothing about the murder and that his confession was extorted from him by threats. The case was taken to the supreme court at its October term for 1839. Judge Napton was then, as now, a member of the court. Judge Tompkins rendered the decision, reversing that of the Warren county circuit court, because it had no jurisdiction, as the owner of a slave could not ask for a change of venue. The case was remanded to this county with directions that Ellick's confession be not admitted as testimony. At the succeeding trial no sufficient evidence could be had and the prisoner was declared not guilty.

Following this result was the most intense excitement and it was with great difficulty that an exhibition of mob law was prevented. The people were then, as now, indignant that the technicalities of the law could defeat the demands of justice.

Tontine.

Call on the agent of the New York Life, at the Laclede, and have him explain the Tontine plan.

If you want boots and shoes cheap, go to Woolfolk & Gordon's.

50 Bushels

Choice Timothy Seed just received by B. S. Crews.

CIRCUIT COURT ITEMS.

The following are the principal items as taken from the docket of the circuit court, entered since we went to press:

Hale Perdue vs. Lincoln county court et al; injunction to restrain the payment of fifty-five thousand dollars in bonds voted to the St. Louis, Hannibal & Keokuk railroad; no defence; injunction granted.

W. E. Storer vs. Geo. F. Turner et al; trial by jury on special issues; verdict for plaintiff and judgment for \$1,572.40.

Samuel A. Mead vs. Mary E. Mead; divorce; decree granted with custody of children.

Adaline W. Teasley vs. Daniel J. Teasley; divorce; decree granted; plaintiff restored to her maiden name.

Emma J. Brown vs. Thomas F. Brown; divorce; decree granted; divorce mutual.

Mattie J. Gilbert vs. James A. Gilbert; divorce; interlocutory judgment and continued.

Mary F. Lewis vs. William Lewis; divorce; decree granted; divorce mutual.

State vs. Monroe Thomason; murder; trial by jury; disagreement and prisoner remanded to jail.

This case was argued with unusual ability by Creech and Alexander for the state, and McKee and Norton for the defence. The effort of each displayed great power, eloquence and skill. Seldom have we witnessed such in this court.

During the trial of Thomason, an attachment for Larkin Creech for his appearance as a witness in the case of Reicke, indicted for murder, was returned not served, as Mr. Creech was confined to his bed by illness. The judge announced that after the disposition of the Thomason case he would adjourn the court over to the 3d of November. The case of Hartman goes over as there was not time enough to give a panel of the jury and copy of indictment forty-eight hours previous to trial as counsel demanded.

The court adjourned Thursday afternoon. On Thursday night the four murderers were taken to the St. Charles jail for safe keeping. On Monday morning Deputy Sheriffs McDonald and Norton started for Jefferson City, with Lum Woods and Daniel Dorsey, both colored, the former sentenced for twenty years and the latter for two years in the penitentiary.

Woolfolk & Gordon have the largest stock of Overcoats in town. Call and see them.

DIED.—Another of our old landmarks has disappeared. Mr. Hanksen R. Sitton died at his residence in Millwood township, Saturday morning, October 16, 1875. He was the youngest but one of the sons of the late Philip Sitton, who came to this county from North Carolina about the year 1815, and who died about 1860, aged over ninety-five years, after filling many responsible official positions. Mr. Sitton was born in 1810. He married a daughter of Mr. Stephen A. Stephens, who is still living. He leaves a wife and several children. He was buried on Sunday in the old family cemetery on the farm of the late Lawrence B. Sitton. His remains were followed to the grave by a large concourse of friends. Mr. Sitton was a man who attended strictly to his own business. Honest in purpose, earnest and sincere in his convictions and conscientious in all his transactions, his conduct was such that in all his long residence in this county, he never for a moment, bore the ill-will of any man. He was a citizen whose place in society cannot be filled.

In many sections of the county there are perfect forests of corn and scarcely any stock to feed it. The hog cholera has not abated much except where it has about exhausted the supply. Many farmers who looked forward to realizing three or four dollars a barrel for his five hundred or thousand barrels of corn by feeding it to hogs will now have to sell it at one or one and a half per barrel.

Among the proceedings of the circuit court will be noticed the granting of several divorces. Most of these cases adopted the common practice of taking a decree at the first term of court instead of an interlocutory and having the case continued over to the second term. Many of these persons never think of a divorce after separation until they want to marry again and then they are in too big a hurry to wait six months longer. Now suppose the defendants in some of these cases come into court show cause and have the decree set aside, all after the other party has entered the bonds of matrimony? Some man would find himself with two wives or some woman with two husbands, which would be anything but agreeable.

New stock of dress goods received this week at Woolfolk & Gordon's.

Troy Mills.

Troy Mills will deliver best flour at your door for \$3.50, choice family at \$3.25, and 2nd rate for \$3.00. Meal 60 cents per bushel. All orders for flour or meal left with A. S. Olson at Norton & Harland's store will be promptly filled. Remember that we guarantee satisfaction. ag25. HIGH & NORTON.

BORN.

MUDD—In Millwood, Tuesday, October 12, 1875, Edward A. son of Edward M. and Bettie A. Mudd.
TRAIL—October 17, 1875, to the wife of L. H. Trail, a son.

A. E. NOEL,
SURGEON DENTIST,
TROY, MO.
Offers his services to the people of Troy and vicinity. He uses the Celluloid composition, the best in use, for plate work. All work warranted. v10n25

E. L. SYDNOR,
SURGEON-DENTIST,
TROY, MO.
Is prepared to do all work in his line on the latest scientific principles. Satisfaction guaranteed. Office over Withrow's saddle and harness establishment. v10n25

F. P. STEWART. O. H. AVERY.
STEWART & AVERY,
ATTORNEYS-AT-LAW,
TROY, MO.
Land Titles and all matters pertaining to Real Estate specially attended to. Collection on reasonable terms. June 27/75

GEO. W. COLBERT,
ATTORNEY-AT-LAW,
TROY, MISSOURI.
Will practice in the courts of the Nineteenth Judicial Circuit. Collections promptly attended to.—Office over Henry's shoe shop. 17

J. B. ALLEN,
ATTORNEY-AT-LAW,
TROY, MO.
Will practice in the Courts of the Nineteenth Judicial Circuit. Office over Withrow's harness shop. v10n25

R. H. NORTON. CHAS. MARTIN, JR.
NORTON & MARTIN,
ATTORNEYS AT LAW & COLLECTORS
TROY, MISSOURI.
Particular attention given to controversies affecting Real Estate. We make a specialty of collecting all kinds of notes, bills, &c., at a reasonable commission. Office in the Bank building. v10n25

E. N. BONFILS,
ATTORNEY AT LAW,
TROY, MISSOURI.
Will practice in the Courts of the 12th Judicial Circuit. Office in Bank.

R. C. MAGRUDER,
ATTORNEY AT LAW,
CAPAU-GRIE, MO.
Will practice in the Courts of the Nineteenth Judicial Circuit. v10n25

JOSIAH CREECH,
ATTORNEY AT LAW,
TROY, MISSOURI.
Will practice in the courts of the Nineteenth Judicial Circuit. Satisfaction given or no charge made; also Prosecuting Attorney and Public Administrator of the county.

LAWRENCE T. MYERS,
ATTORNEY AT LAW,
NEW HOPE, MO.
Will practice in the courts of the Nineteenth Judicial Circuit. All business entrusted to him will be promptly attended to. 12m25

G. T. DUNN,
ATTORNEY AT LAW,
TROY, MO.
Also Notary Public, will practice in the Courts of the Nineteenth Judicial Circuit. Special attention given to collecting. v10n25

B. W. WHEELER,
ATTORNEY AT LAW,
TROY, MISSOURI.
Will attend to any professional business in the courts of the Nineteenth Judicial Circuit. v10n25

Dr. W. W. BIRKHEAD,
DENTIST,
CLARKSVILLE, MO.
Will visit Troy every two or three months, due notice of which will be given through the columns of the Herald.