

❧The Murder Trial of Smith Jackson❧

❧1867❧

The following depositions were in the possession of Elizabeth Jackson (daughter of Smith Jackson) in Missouri in 1945, at which time they were hand-copied by Ruth Kline Lee and her husband.

STATE OF MISSOURI vs. SMITH JACKSON

Trial before Esquires [J. Frederick] Speck and [Samuel P.] Melvin
at Sullivan, Franklin County, Missouri
August 7th, 1867

DEFENSE

A[llen]. J[asper]. JACKSON, being duly sworn, said:

Was acquainted with Richard Marshall the last ten years, lived within four miles of him for a year, know of his threatening to take the life of Smith Jackson, was in St. Louis prison at the time the treat was made, two years ago this summer, Marshall asked me if I was coming out to Indian Creek, told him I was, he said for me not to take anything off that Smith Jackson nor David Baker nor none of the rest of the dogs that lived around there, he further said that if I could stand it through until he (Marshall) came home he would settle with some of them, particularly he would finish Smith Jackson, I have at different times informed Smith Jackson what Marshall had said, am brother-in-law to Marshall, he having married my half-sister, his general character was quarrelsome and was generally considered a dangerous man. At his return it created a general terror in the community where he lived, did not see Marshall after his return from prison. Have known the prisoner Smith Jackson for at least twenty-five years. He always bore the name of a peaceable and quiet citizen.

(signed) A. J. Jackson

THOMAS N. JACKSON, being duly sworn, said:

Knew Richard Marshall at least twelve years, saw him in St. Louis about the first of May, 1866, he there stamped his foot and said to me that if he ever was released he would arm himself and come out to Washington County and kill Smith Jackson, he was asked if he thought he could find Smith Jackson if he could get released, he (Marshall) said he thought he could, as Jackson had a

large family and could not possibly get away unless he heard that he (Marshall) was released, then he might get away, have informed the prisoner (Jackson) of what Marshall had told me. I am half brother-in-law to Marshall. Marshall was regarded as a dangerous man in the community where he lived. I am half-uncle to Smith Jackson. Have known Jackson all my life and he bears a general good character, have not seen Marshall since he was released from prison but think from his character that he would undoubtedly have carried his threats into execution. Think that Mr. Jackson was really afraid Marshall intended to do what he had threatened.

(signed) Thomas A. Jackson

LEVI GARRET, being duly sworn, said:

Was acquainted with Richard Marshall for ten years, have seen Marshall since his return from the pen., (he) was at my house Saturday, August 3, in our conversation he (Marshall) said that if Smith Jackson ever dirtied his path that he intended to clean it for him, was at my house afterward and made use of the same words, he (Marshall) intended he said to go over to Indian Creek to see his wife's relations but he was not prepared then, but when I come back I think I will be. Think that Smith Jackson's life was in danger, it is about three miles from where Marshall lived to where Jackson lives, Smith Jackson is the man that arrested Richard Marshall for the murder of David N. Baker. I am half brother-in-law to Marshall by marriage, am half-uncle to Smith Jackson, Marshall was considered a dangerous man by those who knew him, knew the prisoner Smith Jackson for the last eight years, and he being of general good character, my opinion is that Marshall would have killed Smith Jackson if he had got any kind of an opportunity.

(signed) Levi Garrett

RICHARD [Henry] D.[ick] JACKSON, being duly sworn, said:

Was acquainted with Richard Marshall ten years, part of the time lived with him, lived within ten miles of him all that time. Marshall's general character was very bad, visited Marshall in prison at St. Louis. Have known Jackson for twenty-five years and he has always bourn a very good character, I am Smith Jackson's half-uncle and half brother-in-law to Richard Marshall, have not seen marshall since his return from Prison, if I had been in Smith Jackson's place would have thought my life in danger.

(signed) Richard D. Jackson

I hereby certify that the above is a correct statement of evidence taken at the trial of the State of Missouri vs. Smith Jackson.

(signed) Samuel J. Melvin, J.P.
STATE OF MISSOURI vs. SMITH JACKSON
FOR THE STATE

A[ustin]. W[hitmire]. CLARK, being duly sworn, said:

Saw Smith Jackson coming around the freight house and draw his pistol, when near the railroad track, aimed his pistol in the direction of H. B. Clark & Co. store, turned to see what his aim was and saw Richard Marshall fall.

(signed) A. W. Clark

H[enry]. B[arrow]. CLARK, being duly sworn, said:

Was standing on the store porch and Marshall was standing beside me. I saw that Smith Jackson was going to fire and I went back into the store and heard the report of a pistol. Jackson then walked up on the porch and looked at Marshall and remarked "Is that enough?"

(signed) H. B. Clark

JOSEPH S. MUSGROVE, being duly sworn, said:

Saw Smith Jackson walking across the railroad toward Clark's store, just about the time I saw him cross the track he drew his revolver out of his scabbard, I then looked toward the store and saw Richard Marshall standing on the porch, looked then at Jackson and he had the pistol pointed in the direction of Clark's store, then looked toward the store and heard the report of a pistol and saw Richard Marshall fall.

(signed) Joseph S. Musgrove

CARROL McALLISTER, being duly sworn, said:

Was sitting in H. B. Clark's store, looked out the door and saw Smith Jackson near the freight house coming toward the store with his hands behind him, heard the report of a revolver and saw Marshall fall, then went to the door and saw Smith Jackson between the track and the store with a revolver in his hand.

(signed) Carroll McAllister

PETER C. CALVARD, being duly sworn, said:

Was in H. B. Clark's store, saw the Clarks walk out and followed them, Richard Marshall was then standing on the porch, looked across the railroad and saw Smith Jackson coming toward the track, when he reached the track saw him draw a revolver, then walk off the track four or five steps, saw him present a pistol toward Clark's store, heard the report of the pistol, did not see Marshall fall but saw him afterward, saw the body examined, a small single-barrel pistol was found in his vest inside pocket, also a box of caps, powder flash, and pistol balls were found in his other pocket.

(signed) Peter Calvard

A. S. CLARK, being duly sworn, said:

Was standing in my door opposite Clark's store, saw Smith Jackson come around the platform, saw him raise a revolver and fire in the direction of Clark's store, he then walked toward the store, then went toward the ticket office, went in and sat down.

(signed) A. S. Clark

E[rnest]. A. SOLF, being duly sworn, said:

Was sitting in the ticket office and heard the report of a pistol, looked toward Clark's store and saw Richard Marshall fall with blood gushing out of his cheek. I then saw Jackson walk toward the store, turn and walk toward the ticket office, meeting Essure Melvin, Jackson said "Mr. Melvin I am ready to give myself up." Then he (Jackson) walked into the ticket office and sat down.

(signed) E. A. Solf

JOSEPH MUSGROVE, was recalled, said:

Had a conversation with the prisoner Smith Jackson on Sunday August 4th, at that time the prisoner expressed fear that his life was in danger, knew Marshall only by reputation which was very bad. Have known Smith Jackson six or seven years and he has always born a very good character.

(signed) Joseph Musgrove

A. W. CLARK, was recalled, said:

Left Marshall in the store when I went out, saw Smith Jackson coming and went out to prevent any difficulty that might occur, think that Marshall did not see Jackson, saw the blood gushing from his head on the right side, had heard there was a difficulty between the prisoner and Richard Marshall, think the distance was about thirty steps between Jackson and Marshall at the time Jackson fired.

(signed) A. W. Clark