

commissioned Hamilton R. Gamble to be prosecuting attorney of this court; Young Ewing, clerk, (commission dated Jan. 18, 1821); and Wm. R. Cole, sheriff, (commission dated Jan. 1, 1821). Hamilton R. Gamble, Peyton R. Hayden and John T. McKinney were admitted to practice as attorneys at the bar of this court, the first day of its existence.

A grand jury, the first one in the county, was empaneled the same day, as follows: Wm. Lillard, foreman; John J. Heard, John Lillard, Wm. F. Simmons, Thomas Linville, Jesse Cox, James Bounds, Jr., David Jennings, Isaac Clark, Wm. Wallace, Christopher Mulky, Jacob Catron, John Bowman, George Parkerson, Thomas Hopper, James Linville, John Robison, Thomas Fristoe, Wm. Fox and Samuel Watson. Their first presentment was made in a short time, against John Salady, for trespass and assault and battery, "a true bill," etc.

The next day, February 13, the court was opened at 10:15 o'clock, and the first case presented was an application for divorce, as follows:

"Sarah Lillard, by David Jennings, her next friend, complainant,
Against Jerry Lillard, defendant,
In a petition for a divorce.

This day came the complainant, by her counsel, and filed her petition, praying for a divorce from bed and board, and setting forth cruel and barbarous treatment so as to endanger her life, and indignities offered so as to render her situation intolerable, and compelling her to leave her husband," etc.

But at the next term of the court, June 12, the case was on motion of the complainant discontinued. However, this same day another divorce case was entered, to-wit: Jane Cooper, complainant, against Braxton Cooper, defendant. This case was heard October 10th, and Jane was granted a divorce.

That first term of circuit court, in February, 1821, had one case in chancery,—Thomas Cox and Richard Scott vs. Wm. E. Aikman. And on the second day the grand jury brought in quite a list of presentments, as follows: The state of Missouri vs. John Young, for assault and battery; also against John Ingram and Solomon Catron, for the same offense, and against John Young, Jonathan Hicklin, Jacob Catron and James Lillard for an affray. The business of litigation continued to increase from term to term so that the court always had enough cases on the docket to keep it busy while in session. In fact, the records show that "those early times" were not any better in that respect than these later times. Indeed, there was a great deal more litigation in proportion to the number of people than there is now.

The July term, 1825, of the circuit court is entered as "a circuit court begun and held in the town of Lexington, and county of Lillard," etc. Its record occupies pages 11 to 15 of book No. 2. Then on page 16 of the same book occurs this entry: "A circuit court begun and held in the

court house in the town of Lexington, *Lafayette county*, on the 24th day of November," etc., (1825). There is no record, note or memoranda to show how, when or why the name of the county ceased to be Lillard and commenced to be Lafayette. It is common report that one of the first acts of our state legislature after Gen. Lafayette's visit to St. Louis in 1825, was to change the name of Lillard county to Lafayette county; but this historian failed to find a copy of the act, or any document or other record giving the exact date or particulars of the change. It would certainly seem as though the court record should have had some memoranda to account for and explain the change, so as to authenticate the proper dating and entitling of official papers, but nevertheless no such explanation appears, neither in the circuit court, county court or marriage records. In each case there is simply an abrupt, unexplained change of name from Lillard to Lafayette county.

FIRST COURT IN LAFAYETTE COUNTY.

The first circuit court of Lafayette county was held at Lexington, November 24, 25, 1825. David Todd, judge; Markham Fristoe, sheriff; Young Ewing, clerk.

The first grand jury of Lafayette county consisted of: Wm. Bowers, foreman; David James, Henry Rowland, Geo. Nevil, A. P. Patterson, Spencer Estes, Thos. Marr, Isaac Clark, Pink Hudson, Wm. Clark, Calvin Howe, Samuel Cox, Wm. Robertson, Jesse Demasters, Hiram Helm, David Norris, Jesse Nave, Frederick Sebril, Jesse Cox, and Henry Campbell. They received their charge, and retired for consultation; but, unlike their predecessors, the first grand jury of Lillard county, there was no business before them; and they were at once dismissed.

David Todd continued to be judge of the circuit court, up to the November term, 1830. But at the February term, 1831, John F. Ryland took his seat as judge of the court, under a commission signed by John Miller, governor, January 18, 1831. This Judge Ryland was the father of Judge John E. Ryland and Xenophon Ryland, Esq., prominent and well-known attorneys of Lexington at the present time. Judge Ryland occupied this bench continuously for eighteen years, then occupied a seat on the supreme bench of the state for eight years. He died September 10, 1873.

FIRST COUNTY COURT.

The first thing that appears of record is the opening of the county court at the house of Samuel Weston* in the town of Mount Vernon, January 2, 1821. John Stapp, John Whitsett and James Lillard, Sr., had been commissioned by Governor McNair, under date of St. Louis, December 8, 1820, as justices of the county court of Lillard county. Henry Renick,

*Samuel Weston had been commissioned by the governor, November 22, 1820, as justice of the peace for Tabbo township, then in Cooper county, but at this time in Lillard county.