

Jefferson County Circuit Court
Case Files - Criminal

Box 26 Folder 7

March 1870

State

vs.

Smith, Frank
Hill, William
Fertis, Joseph

Grand larceny

Stole Zeous belonging to Michael W.
Greene and William Flanders;
defendants African American

Affidavit for State Warrant.

State of Missouri }
County of Jefferson, } ss.

Before me, H. M. Parker
a Justice of the Peace for said County, -
personally came M. W. Greene and ~~John~~
who being sworn according to Law -
depose that and say, That on ~~or the~~ night
Sunday Night - about 8:30 o'clock P. M.,
February 13th 1870. M. W. Greene one -
Heifer about 3-years old - the property
of one of above officers - M. W. Greene, and
~~valued at \$100~~ ~~and~~ ~~valued at \$50~~ - ~~one~~ ~~in~~ ~~milch~~
Cow about 3-years old the property of
M^{rs} - Flanders and valued at \$50, -
were taken, stolen and driven out and
off & from M. W. Greene's enclosure (Pasture)
situated on the old State Road near Solfer
Springs in Jeff. Co., Mo., on above said
night - and these deponents say and
verily believe, That William Hill,
Joseph Ferris and Frank Smith all
three Negroes, are guilty of the facts -
charged above and further these deponents
say not. - said Ferris & Hill having been
arrested - this is for the arrest of Frank
Smith (a negro).
Sworn to and subscribed
before me, in the County
aforesaid, this 14th day
of February A.D. 1870.

H. M. Parker
Justice of the Peace.

M. W. Greene

Applicant for
Anti-Slavery

Anti-

Slave Society
Joseph Thores
William Hill
(see notes)

Filed Feb 16th 1870

Wm. Hill
J.D.

THE STATE OF MISSOURI, }
COUNTY OF *St. Louis* } SS.

Jacob Haeger

being duly sworn, says that

William Hill (Mallotin Man)
Frank Smith (Cala Enters) *Joseph Ferris*,
on or about the *13th* day of *February* 18*70*, A. D. 18*70*, at the County
aforesaid, did ~~commit an assault and battery~~ *did steal an drive*
off one Cow & one Heifer *Heifer*
Paul Bener the Cow the Heifer & the
Flower & the Heifer the Purses of M. W.
Greene,

and this affiant further saith, that the said

William Hill and
Frank Smith (Cala. Man) *Joseph Ferris*
has not, to *his* knowledge or belief, been arrested, held to bail, or otherwise dealt with for the said
~~assault~~ *theft*; and further saith not.

Sworn to and subscribed before me,
this *14th* day of *February* 18*70*
H. M. Parker J. P.

Jacob Haeger
M. W. Greene

The State of Missouri,

Little Rock Township
To any Constable of *St. Louis* Township, in *St. Louis* County—GREETING:

WHEREAS, complaint has been made before me, that *William Hill*
Frank Smith & Joseph Ferris —
on or about the *13* day of *February*, A. D. 18*70*, in the County
of *St. Louis*, did commit ~~an assault upon the person of~~ *did steal* *off one Cow & one Heifer*
as set forth in the above complaint which is made part of this Warrant.

Therefore, we command you to take the bodies of the said *William Hill,*
Frank Smith & Joseph Ferris —
if *they* be found in the said County, and bring *them* before me, the undersigned Justice of the
Peace, at my office, in said Township, to answer the said complaint, and hereof fail not.

Given under my hand, this *14th* day of *February* 18*70*.

H. M. Parker

JUSTICE.

Anthony's Local Hoagert Ceases
to claim this suit - Feb. 1870
Feb 15-1870

Wm. M. Taites

Created this suit - ~~Anthony's~~ Anthony's Hoagert of Feb. 1870
May 15th 1870 of having the local Hoagert William Taites
and Joseph Taites Hoagert before Justice Taites in
August 1870 Sept. 1870.

Local Hoagert

Anthony's Local

Anthony's Local Hoagert of Feb. 1870
of having the local Hoagert William Taites
and Joseph Taites Hoagert before Justice Taites in
August 1870 Sept. 1870.

Anthony's Local

No.

186

STATE WARRANT.

STATE OF MISSOURI,

vs.

WARRANT.

*William Hill
Frank Smith &
Joseph Fieris
culmen.*

FORTHWITH.

Justice

\$

State of Missouri

To any Constable of
Little Rock Township in Jefferson
County

Greeting:

Whereby complaint
has been made before me that
William Reile Joseph Harris and
Frank Smith - (the two former
having been arrested & committed
to Jeff. Co Jail Feb. 16 - 1870) on the
night of February 13th 1870 in the
County of Jefferson did commit
(with the other two) Theft by stealing
one Cow and one Heifer in
Jeff. Co. Mo. the same as set forth
in annexed complaint, -

Therefore, we command you to
take the body of Frank Smith
if he be found in said County, & bring
him before me, the undersigned
Justice to answer to said complaint.

Given under my hand February 16th 1870.

H. M. Parker J. P.

I authorize Jacob Hager to execute
and return this writ - J. W. C., May
Feb 16 - 1870

H. M. Parker

Executed this writ - I have the Judge of
Frank Smith (Negro) before Justice
H. M. Parker Feb 21 - 1870

Jacob Hager
Deputy Coroner

State of Missouri

Justice of the Peace

is

Frank Smith

Feb 16 - 1870

and 4 to 15 miles

870 -
21 -

Examination Feb 21 - 1870

State of Missouri }
 County of Jefferson } ^{scd} Before H. M. Parker
 Justice of the Peace.

On this 16th day of February A.D. 1870. Came
 Andrew Haeger of Lewis County, and
 being sworn says, That on Sunday night
 about eleven o'clock as he was riding
 south on the State Road he met at
 Rock Creek in Jeff. Co. Mo. Two Niggers
 in a one horse wagon driving north
 on said Road and one Negro walking.
 That they had one cow and one
 Heifer with them one of the
 animals was tied to the said wagon.
 That he knew the heifer was and
 that belonged to M. W. Reese - and
 That on Monday night he ~~was~~
 saw at Plum Creek on the State
 Road leading to Lema Bridge Joseph
 Heris, William Hill and Frank
 Smith (all Niggers) with one horse
 and wagon and one cow and one
 heifer said horse & wagon & two ani-
 mals in the charge of the three Niggers.
 That he arrested them - but W. Hill
 & Frank Smith got away - and that he
 brought Joseph Heris along home
 with him & delivered him before Justice
 Parker at Sulphur Springs Jeff. Co. Mo.
 Feb. 15th 1870. - Andrew Haeger

Sworn to and subscribed
 before me Feb. 16th 1870

H. M. Parker J.P.

Examination of witnesses.

Jacob Haeger Sworn Says That on
the night of Sunday February 13. 1880
about 9 o'clock he saw two
heifers with one cow and
one heifer the cow the property
of ~~Mr~~ Flanders and the heifer
the property of M. W. Greene pay
of his house at Sulphur Spring 2000, Co.
Mo. on the State Road leading
to St. Louis. That said heifers
were leading said animals
with ropes on the head of said
animals the heifer I knew
to be the property of M. W. Greene.
the cow I believe is worth fifty-
dollars & the heifer to be worth
forty dollars. — Jacob Haeger
C#7

Sworn to and subscribed
before me, Feb 16. 1880

H. M. Parker J. J.

Examination

Mr. W. Greene being sworn says
that the Heifer found in the possession
of Joseph Ferris William Mc Ill
& Frank Smith Monday night
on the 14th day of February 1870
on the Santa Road in Sept. Co.,
was his animal and of the
value of Forty dollars.

Sworn to and subscribed
before me Feb 16-1870

H. M. Packer D.C.

And the cow found in possession as aforesaid
is the property of Mr. Flanders & he believes
is worth Fifty dollars.

Prisoners Statement.

February 16th 1870.

William Hill one of the Prisoners then
Examined, says:- That he & here to
make sentence - also Joseph
Ferris neglects to make statement.

Communion of
Conscience

Acti

3

Joseph Peris
William Heile

Feb 16. 1870

Wm. H. M. Carter Jr.

On a Charge of
Green Sweeney

State of Missouri vs. Frank Smith-(negro)
February 21 Examination - 1870

On the 21 day of February A.D. 1870
Came Andrew Haeger who being
sworn says that on Sunday
Night-February 18th 1870 while he
was riding salarok on the State
Road & when at & near Rock
Creek ford he met two Negro
Men leading one cow and
one Heifer by ropes attached
to their heads & travelling North-
on Sam's Road towards St Louis -
& that one of the animals he recogni-
zed as the property of Mr. W. Greene -
and the other animal (a cow) the
property of a Mr. Flemings and
heard the foremost man say
to the other man drive up the
cow -

And on Monday Night-~~at~~ Plum
Creek on the State Road in Lebl. Co.
Mo. & near the Maramba Bridge -
he overtook three Negro Men
one Frank Smith in a one horse
wagon driving & one cow tied
on the hind end of the wagon
(the Flemings cow) & William Hill
was leading Mr. Greene's Heifer
by a rope - and Joseph Ferris
walking behind said animals
& driving them & I told them
to halt & I told them that
those two animals were stolen

stock & he would then arrest-
them & they must turn the
wagon around & go back
with all the stock with-
him - & the team Joseph Ferris
under charge - & William Hill
& Frank Smith - being in the
wagon I ordered Hill to
hitch the heifer to the hind
end of the wagon beside the
cow & Hill instead of fasten-
ing the heifer to the wagon untied
the cow & tied the Heifer &
Cow together & then said Hill
& Smith drove off at a rapid
rate & succeeded in getting
away from ~~them~~ me. & then
I brought Joseph Ferris & ~~delivered~~
& the Cow & Heifer with me
to Sulphur Spring & delivered
them all up to the proper
parties. - Andrew Hagger

Shown to and subscribed
before me February
21 - 1870

H. M. Parker

J. D.

Examination.

1870

Jacob Haeger being sworn
deposes & says that the Cow
found in the possession of Frank
Smith on February 14 - 1870 and
the property of Mr. Fleander is
worth Fifty dollars & the heifer
is worth Forty dollars. — &
is the property of Mr. W. Greene.

Jacob Haeger

Sworn to and subscribed
before me Feb 21 - 1870

H. M. Parker
J. D.

Business Statement

Frank Smith (Cold man) stole on
this 21st day of February A.D. 1870
before Me Mr Peckler J. P. on a
Charge of Grand Larceny. —

Examination of
witnesses

State of Missouri

—vs.—

Frederick Smith
(as negro)

275-3

Examined before
H. M. Parker D. J.

February 21-1870

on a charge of
Grand Larceny

(Transcript.)

February

Docket Entries

1870

State of Missouri

— vs —

Grand Larceny

Examination

Feb. 16th 1870

Before

Justice H. M. Parker
in Sulphur Springs
Leff. Co. Mo.

Fees from Feb 14-1870 William Hill &
to Feb 16th 1870 Joseph Ferris

Justice H. M. Parker Fees (Two Negroes)

Carrying Affidavit \$1.00
Issuing Warrant \$35
" 2 Subpoenas \$70
Coercing Deed \$10
Confining case \$35

Notifying County Atty \$2.50
Writing Evidence \$3.50
Recognition of Guilt \$1.50
Transcript & Certificates \$2.50

J.P. Fees - \$12.50

Constable Jacob Hoeger Fees

Serving warrant
Ferry & Hill 2-1.50
14 miles to two ses \$70
2 Subpoenas \$70

Boarding Hill & Ferris
Two days \$4.00 per day \$4.00
Boarding two prisoners
day & 2 nights \$4.00

Taking 2 prisoners to
Jail Feb 16-1870

20 M. En to 1005 P.M. \$4.00

Constables mileage 20
M. each way to Jail \$4.00
for serving 2 com-
mitments

Const. Hoeger Fees - \$22.90

Stated witnesses,

Jacob Hoeger c. 50

Andrew Hoeger c. 50

Mrs Flanders c. 50

Jacob Fink c. 50

Rolph Hunt c. 50

Ann Hill (col.) c. 50

Lotty Ferris (col.) c. 50

M. W. Greene c. 50

James McNeely c. 50

on a charge of
Grand Larceny Before H. M. Parker

Justice of the Peace in Little Rock

Tawushit in Leff. Co. Mo.

Appidavit filed Feb. 15-1870.

by M. W. Greene against William

Hill and Joseph Ferris (Col.

Men) for Stealing and having

Stolen Property in their possession

(one cow & one Heifer) Feb.

13th 1870 Heifer & Cow valued

at \$440. - each value \$80. -

Warrant Issued February 14th 1870

2000 above statement, and delivered

to authorized Constable Jacob

Hoeger -

Warrant returned February

15th 1870 and with the body

of Joseph Ferris and William

Hill (col. men) before me, and

for the purpose of notifying the

County attorney, & procuring witness,

the Examination was laid over

to Feb 16-1870 at 10 o'clock A.M.

James McNeely of that day -

And on the 16th day of February

J.P. Fees 12.50 1870 Constable Hoeger appeared
Court Fees 22.80 in Court having the two previous
writs Fees 1.50 Joseph Ferris and William Hill
Palace Fees \$36.90 And the Justice hearing heard
the evidence & reduced same to
writing, adjudges that said
Defendants Joseph Ferris and
Wm Hill give Bail in the sum
of \$500.- Each - for their appearance
on the 7 day of March 1870 at Circuit
Court at Hillsboro in Jeff. Co. Mo.,
then and there to abide until
discharged by due course of
Law.

And the Prisoners refusing
to give the Bail required, the
Justice doth order that said
Joseph Ferris and William Hill
be committed to the Common Jail
of said County until they give
security or be discharged by
due course of law.

H. M. Parker
J.P.

State of Missouri }
County of Jefferson } I certify that the foregoing
is a true Transcript of my docket entries
of the same appear upon my docket State
vs Joseph Ferris & William Hill an
charge of Stealing Cow & Horses Examined
February 16th 1870 before me.

H. M. Parker
Justice of the Peace

Transcript

State of Missouri

Joseph Peris

William Hille

(colored men.)

on a charge of being
stealing, & committing

Feb. 16-1870 before

16. m. Parker J. G.

both cum. to said in

Default of \$500. Back
back.

Filed July 23-1870

at Henry at

(Transcript.)

February

Docket Entries.

1870.

State of Missouri } Grand
vs. } Larceny.
Frank Smith } Examination
(a negro man) } Feb. 21-1870

Fees Feb 21-1870

Justice H. M. Parker Fees
Affidavit 4.00
Assessing Larceny 50
3 Subpoenas 1.05
Declaratory Suit 35
Sundry writings 20
Assessing Evidence 4.00
Recognition 2.00
Transcript 2.50

Justice H. M. Parker
in Sulphur Springs
Jeff. Co. Mo.

J. J. Res Feb 21-70 \$11.50

On a Charge of Grand Larceny
before H. M. Parker & Justice
of the Peace in Little Rock Township
in Jefferson Co. Mo.

Constable Jacob Haeger
Serving Warrant 75
23 miles @ 10 cts. 2.30
2 Days Board for Prisoner 2.00
Guarding Prisoner 2-3
Days & one night 3.00
Taking Prisoner to Jail 2.00
20 miles @ 10 cts. 2.00
" by self to Jail &
returning 40 miles 4.00
Serving Commitment 1.00

County Res Feb 21-70 \$15.05

Applicant filed Feb. 16-1870-
by M. W. Greene & Mr. Flanders,
against Frank Smith (a negro)
for stealing & having stolen
property in his possession (one
milk cow & one Heifer) Feb.

State witnesses
Jacob Finck Hinson 135
Ralph Hunt " 135
Mrs. Flanders
Mrs. Ann Hill 135
Lotty Harris " 135
James McNeely
Jacob Haeger 50
Andrew Haeger 50

135-1870 Heifer & Cow valued
at (the two) \$80.- and the property
of M. W. Greene & Mr. Flanders.
Warrant, issued Feb. 16-1870
on above statement, and del-
ivered to Constable (Anthony) Jacob

Total Fees \$27.35

Haeger, -
Warrant returned February 21-1870 and with
the Badge of Frank Smith (a color man) before
me and on Feb 21-1870 the Justice having
heard & reduced the evidence to writing, adjudge
that said Frank Smith give Bail in
the sum of \$500.- for his appearance at
the next term of the Jefferson County Circuit
Court on the first Monday in March

1870, then and there to abide until
discharged by due course of Law
And the aforesaid "Hottentot"
Frederick Smith - "neglecting" to give
the required Bail, the Justice doth
order Said Frederick Smith be committed
to the Common Jail until he give security
or be discharged by due course of law.

H. M. Parkers
Justice of the Peace.
H

State of Missouri,
County of Jefferson, } sec.

I certify the foregoing
to be a true Transcript of my docket, entries,
as the same appear upon my docket - State vs
Frederick Smith on a charge of Stealing or
having Stolen Property in his possession,
Examination before me Feb. 21 - 1870

H. M. Parkers
Justice of the Peace.
H

Peensers

State of Maryland

— vs. —

Frank Smith
(a negro man)

Examined on a charge of
Breach of Peace Feb. 21-1870
before Justice H. M. Parker
& committed to Jail in etc.
withing \$5000. - Bail. —

Filed

July 25th 1870

E. J. Hough

State of Missouri
County of Jefferson St.

15th Judicial Circuit.

In Circuit Court March Term 1870.

The Grand Jurors of the State of Missouri, duly empannelled, sworn and charged to inquire within and for the body of the County of Jefferson, State aforesaid, upon their oath do present, that William Hill, Joseph Ferris, and Frank Smith, late of the County of Jefferson, and State of Missouri, on the thirteenth day of February, A.D. 1870, at the County and State last aforesaid one cow, of the value of forty dollars, of the property of William Flanders then and there being found, feloniously did then and there steal, take and carry away, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State.

And the Grand Jurors aforesaid upon their oath aforesaid do further present; That William Hill, Joseph Ferris and Frank Smith, late of the County of Jefferson State of Missouri, on the 13th day of February A.D. 1870 at the County and State last aforesaid with force and arms, one cow, of the value of forty dollars, of the property of William Flanders, before then feloniously stolen, taken and carried away from another, feloniously did receive and have, they the said William Hill, Joseph Ferris, and Frank Smith then and there well knowing the said property to have been so feloniously stolen taken and carried away as aforesaid, against the peace and dignity of the State.

Geo. D. Reynolds Dist. Atty.

2

State

10

Milaine Wood
Joseph Tervo
Frank Smith.

Winters:

Michl's W. Grove
Andrew Hoeger,
Jr. Chaudron
Mary E. Gladders.

A true bird.

To the Editor

Dear Sir,

Died March 9th 1870

E. J. Henry etc

State
vs
William Hill { In the Circuit-Court of Jefferson County
Jefferson County, March Term 1870
Indictment for Grand Larceny.

And now comes the defendant, William Hill, and moves the Court for a continuance of this case, and being first duly sworn, says that James Cousins is a material witness for him on the trial of this cause, and that he can prove facts by him material to his defense in this case, which cannot be proved by any other witness, and that he cannot safely go to trial without his testimony. That at the time said larceny is charged to have taken place, the said Cousins was living at or near Jefferson in the County of said, but that said Cousins is now absent out of the State and has been so absent since the pending of said indictment, nevertheless affiant caused a subpoena to be issued by the clerk of this Court the 9th inst, and placed in the hands of the Sheriff of said County, where the said Cousins was last known to be in this State and directed to him, and that said subpoena has been returned by said Sheriff ~~undelivered~~ with the endorsement that that said James Cousins cannot be found in ^{this County} ~~this County~~ that ~~the~~ the said Cousins is somewhere, as affiant is informed and believes, in the Northern part of the State of Illinois, and that affiant cannot procure his attendance or testimony at this term of the Court, but that he hopes and expects, if this cause is continued, to be able to procure his attendance or testimony at the trial of this

Cause. That the absence of said witness was not
procured by the constant & ^{adverse} convenience of the
affiant; and that affidavit cannot now and
could not have been procured has been found true
and a commission to take the testimony of said witness
because he does not know him or where to
direct such commission,

And appears further that this application
is ~~not~~ made in good faith and not merely to pro-
cure delay, but ~~to~~ enable him to have a fair and
important trial
which could otherwise
be before me this 14th } William X His
with

day of March 1878
at New York
H. H. H. H.

State
to
Spur Hill.

affd for Cullen
"

Filed March 14 '1878
E. J. Rooney ckr
By L. H. Ayers D.C.

State
 or { Charge: Grand Larceny
 William Hill

Now comes the defendant William Hill, and moves the court for a continuance of this cause, and being duly sworn states that he believes James Cousins to be a material witness for him on the trial of this cause, and that he cannot safely go to trial without his testimony; that he is informed and believes that the said James Cousins ~~tendence or testimony as~~ ^{and cannot therefore procure his attendance} is absent out of the State, ^{and that he hopes and} expects, if this cause is continued, to be able to procure the attendance of the said James Cousins, or his deposition to be used upon the trial of this cause. That the said Cousins is not absent by the consent, contrivance, or procurement of this affiant, and that he cannot prove by any other witness the facts which he believes he will be able to prove by the said Cousins, and that this application is not made for delay but to obtain a fair and impartial trial.

Subscribed & sworn to before

Wm
 William X Hill
 Mark

on the 10 day of March 1876

Ef Henry C. C. C.

By L. H. Clifford D.

State
vs
William Hill

Mo. & aff. for Continuance

State
2
Refused
Joseph Davis

1. He can't induce the jury that if they
have a reasonable doubt of defendants guilt
they will acquit.

2. The possession of recently stolen property is only presumptive evidence ~~and~~ of guilt which may be explained by other evidence.

Under this indictment the jury must acquit unless they find from the evidence that Defendant feloniously stole, took & carried away the wife in question, although they may further find that Defendant received the wife from those who had previously stolen her.

Refused

State
to
Furnis

Instructions

Refused

Of the party before from the evidence that
the defendant, ^{alone or with others} gave in false in the County of
Jefferson, State of Missouri, within those
years before the 9th day of March 1890, the
date of the finding this indictment, both
and above among the books mentioned and
described in the indictment, the property
of Merchants & others, with the intent
to appropriate the same to his own
use, the jury will find the defendant guilty.
And the jury has found him innocent by implication.
-Verdict in the present being not less than
two nor more than five years.

State vs Joseph Harris

We the jury find the defendant
not guilty in the manner and
form as charged in the indict-
ment

Hutton, Sawyer
Stearns

Of the jury above sworn the witness that the
defendant ~~for~~ James Smith, alone or company
with others in the County of Jefferson. State of
Missouri, within three years before the 9th day of
March 1850, the date of the finding this indictment,
went, took and drove the Cow mentioned
and deposited in the indolment, the property
of William Henderson.
~~Indolment~~ ~~the~~ ~~cow~~ with the intent to
appropriate the same to his own use, the
jury will find the defendant guilty and
also punishment by imprisonment in the
penitentiary not less than two nor more than
five years

We the Jury find
the Defendant guilty
and assess his imprisonment to two
years (2) in the Penitentiary
James Beaman
Clerk

March 15th / 70

Instructions for the State.

1. If the jury believe from the evidence in the case that William Hill on or about the 13th of February 1870 at the County of Jefferson, State of Missouri - feloniously stole, took and ^{carried} away a heifer belonging to ~~Mr.~~^{Michael} W. Brune, of the value of \$40 - with the intent to convert the same to his own use, they will find him guilty & assess his punishment by imprisonment in the penitentiary for a term not less than two nor more than five years -
- 2 - The possession of property which has been recently stolen, is such evidence of the person in whose possession it is, having stolen it, as to throw the burden of proof on the defendant to account for ^{his innocent} such possession of it.

182

The Court instructs the Jury that if they have a reasonable doubt of the Defendants guilt they will acquit. This doubt however must not be a mere possibility of his innocence but a substantial doubt of his guilt.

2nd

The Court instructs the jury that the burden of proof is on the State to show that the Defendant took Note & Carried away the Property ~~is~~ charged in the indictment or that he aided Counselled or assisted others in so doing and unless these facts have been proven to ~~the satisfaction~~ ^{satisfy the jury of his guilt} of the jury they should acquit,

State of Missouri }
v.
Dr. Hill

Sep. 19th 1870.

We the jurors in this case find the defendant
guilty, & assess his punishment to two
years imprisonment in the Penitentiary.

John C. Deaw
"Foreman"