

Jefferson County Circuit Court
Case Files - Criminal
August 1874

Box

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Folder

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State

VS

Lyons, William
Lyons, Carter

Burglary

Broke into Henry Rauch's blacksmith
shop and stole tools

State of Missouri
County of Jefferson }

Before me Henry H. Sarne a Justice of the Peace
for said County of Jefferson personally Came
Heinrich Rauch who being duly sworn according
to Law Deposeth and Saith, that he is a tenant on a
farm near the mouth of Big river in the County aforesaid
that he has a Lease^{an} said farm and all building thereon
for a term of three years, that among other things on
said farm, there was also a blacksmith Shop kept
in his care, with the tools belonging thereto
he further States that on the fourth Day of August
1874 William Lyons and Carter Lyons Sons of Edward
Lyons (Colore) without any leave or authority whatever
knocked and tore away several pieces of plank that were
nailed across the door of the Shop, tore loose and carried
away from out of said Blacksmith Shop a bellis and
anvil a vise and a Work bench, that he have not returned
any of the tools thus taken, or any Compensation therefor
that upon his request to return said tools he was
insulted by them with abusive Language, and this
Deponent Says that he firmly believeth that Edward
Lyons was aiding and assisting them in their Commission
thereof and that the above named ~~guilty~~ William and
Carter Lyons are guilty of the fact above charged
and further this Deponent Saith not

Heinrich Rauch

Sworn to and Subscribed before
me in the County of Jefferson }

This 18th Day of August 1874

H. H. Sarne Justice of the Peace

Hammels Ranch

as

Williams

Lyons

Carter

Lyons

Applicant

Justified as 50

Warrant Fined 50

Total \$1 00

Docket Entry - 20

State of Missouri
County of Jefferson }

The State of Missouri to the Sheriff
or any Constable of said County Greeting
Whereas Complaint has been made before one one of
the Justices of the Peace in and for the County aforesaid
upon the oath of Heinrich Rauch that William Lyons and
Carter Lyons late of Jefferson County aforesaid did
on the 4th Day of August 1874 near the mouth of Big river
in the County of Jefferson break open a blacksmith
Shop and took and carried away from said Blacksmith
Shop a bellis a anvil vice and a Work bench all of
said tools having been left in the care of Heinrich
Rauch by the owner. and that the refused to return any
of the tools thus taken or any recompense. Therefore
and upon being requested to return the said tools insult
ed the said Heinrich Rauch with abusive Language,
These are therefore to command you to take the said
William Lyons and Carter Lyons if he be found your
County and take and safely keep the said William and
Carter Lyons so that you have this body forthwith before
me to answer the said Complaint and be further dealt
with according to law

Given under my hand this 18th Day
of August 1874

Henry H. Sanne *Seal*
Justice of the Peace

Henrich Ranch
as

William Lyons colored
Carter Lyons

Warrant

Justices \$ 20 50

Const fee 45-

Mileage 45-

Executed the with
in writ by having
the body of the said
William Lyons and
Carter Lyons before
the court this 25th
day of August 1894

John C. Sengman
Constable

The State of Missouri To the Jailor of the
County of Jefferson Greeting

Whereas Complaint has been made before me
a Justice of the Peace for said County upon the
oath of Henry Rauch that William Lyons and
Carter Lyons late of the County of Jefferson
do did on the 4th Day of August 1874 unlawfully
and forcibly broke open a blacksmith Shop
in the Possession of Henry Rauch and by
by unlawfully cut taken out the tools of
said Shop. and Whereas the said William
and Carter Lyons was brought before me
upon a Warrant duly issued upon the oath
of Henry Rauch and has been Examined
by me on such Charge and Requisition to give
bail in the Sum of five hundred Dollars
for his appearance before the Circuit Court
of said County on the first Day of the next
term thereof which Requisition the have failed
to comply with You are therefore Comma^d
to receive the said William and Carter Lyon
into your Custody in the Jail of the County
aforesaid there to Remain untill the be
Discharged by the Due Course of Law
Given under my hand this 25th Day of
August 1874

Henry H. Sanner
Justice of the Peace

Commitment of
William Lyans
Carter Lyans

Justice 50th /
Constable 22 00 /

State of Missouri }
County of Jefferson }

On the 25th Day of August
1844 Comes Heinrich Brauch of the County of Jefferson
and being duly sworn according to law To
give Evidence in the Case of State of Missouri against
William Lyons and Carter Lyon and in behalf of the
State, Says, on the 4th Day of August 1844 I was in the
field plowing corn, and then I saw that Lyons when
tearing the laths of the door of the Blacksmith Shop
he came after me with a piece of iron, he broke
the door open and took out the bellis, vise and
anvil away, the ~~took~~ Everything in the Shop
away, I spoke to them and asked by what authority
they took those things, they abused me, they have
not returned the things, Basse told me to take
care of those things, he said they belonged to him

Cross Examination

Basse said the tools belonged to him the
bellis is worth about 25^{cts} the anvil 8 and
the vise 4 or 5^{cts} The old man Lyons used to
work in the Shop, Basse never told to let
Lyons have the tools, Basse told me to not let
Lyons go in there any more, I came on the place
on the 17th Day of April Basse told me that the
tools belong to him, Lyons was a friend to me
then, I sold out 10 days ago, I had no weapons
when they were taking the things, they drew
a Sledge hammer on me, I told them to go
out of the yard, I hollered for Pahlmann
and he came the boys came with the hammer
they took some of the things out, those things that
were in the Shop when I rented the place,
the Boys said they would knock my brains out

I then went and got my Gun, that had no lead in it, the said the would kill me yet before I left that place. Bosse told me to fasten up the Shop and let no body go in there it was before this Dependert was ket in the Shop. Lyons came a little work gave me before this, Lyons has not worked there since I fastened up the Shop at the Request of Bosse this all deened in Jefferson County Missouri it was about about the 11, 12 or 13th day of June, I was nat at time and am not yet unfriendly to Edward Lyons

Henrich Ranch

Sworn and Subscribed to
before me this 25th Day of
August 1874

Henry H Sanne

Justice of the Peace
Hen Ranch an recamination I never open I rented the
Place of Bosse and track Possession under
Bosse of the place, Told Ed Lyons that
he could keep possession of the Shop
as long as he wanted to

Henrich Ranch

Sworn and Subscribed to
before me this 29th Day of August
1874 H H Sanne Justice of the Peace

State of Missouri

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William Lyons

Carter Lyons

Testimony of
Henrich Ranch

State of Mississippi

County of Jefferson, On this 25th Day of August 1874 Camie Ed Lyons of Jefferson County Me and being duly Sworn to give Evidence in behalfe of Defendant States

I authorized the boys to go there I bought the Tools and paid for them I bought the wire about may since I left there, Pohlman has been in the Shop 20 times, there has not been a nail in the Door it was never nailed up I bought the Tools on Broadway, The Tools have always been in my possession Kouch has come in my Shop and askt me to let him work Kouch payd me 50^{cts}, he Owe me 25^{cts} I wanted some Single Trees for him I put up the Shop Cross Co I had the whole farm rented before Kouch he gave me permission to leave the tools there The last work ~~I done I pay him~~ I did there was on the 29th of July The last work I don for Kouch was in my, the Door has not been nailed up Kouch never told me that Bosse had told him to take possession of the Shop, Bosse had no Tools in the Shop, Kouch told me I could keep the Tools in the Shop I live about 1/2 mile from the Shop, I have no Shop where I live I have a Stable. I have been living on my place since Feb last, The Shop is on the farm what Kouch has rented now of Bosse, Bosse never rented the Shop to me Kouch let me continue there in possession he said I could the Shop there so long I wanted to Edward ^{his} Lyons _{mark}

Sworn and Subscribed to before
me this 25th Day of August 1874

H H Stone

Justice of the Peace

State of Maryland
as

William Lyons

Conter Lyons

Testimony of

Edward Lyons

State of Missouri,
County of Jefferson } on this 25th of August 1874
Comes John Wease of said County and being sworn
in behalf of Defendant says, I heard Lyons and
Bass talking about a settlement, it seemed that the
where in partnership in the stock and tools, his part
of the Blacksmith tools where to be Lyons there was
a paper between them they agreed that should
be a settlement, and the barn accounts, Cras &
This was in February Lyons was in possession
of the place, I do not know what went with the
agreement, I did not see them again, the papers
John Wease

Sworn and Subscribed
to before me this 25th Day
of August 1874 H H Samne Justice of the Peace

Jacob Shaully being sworn according to law
and in behalf of the Defendant State, I have
not been in the Shop since the 1st of August
74 I have past near the Shop I saw a plank across
the door I saw March and Lyons standing near
the Shop door, dint hear what they were saying
I think it was after the 20 of June that I
had some work done. I am not positive
about it
Jacob Shaully

Sworn and Subscribed
to before me this 25th of August
1874 H H Samne Justice of the Peace
Jacob Shaully an examination said
The first time that I saw the wire it was between
the 8th or 11th Day of May 1874 I did not see any where
before. Signed Jacob Shaully

Drawn and Subscribed to above me
the 25th Day of August 1844

H. H. Saxe Gustafson

State of Missouri)
vs
William Lyons Deft
Contra Wyong

Testimony of
John Ware
and
Jacob Shaulby

State of Missouri
County of Jefferson) On this 25th Day of August
1844 Comes Henry Pohlman, who being duly
Sworn upon his oath to testify in behalfe of the
State saith I heard Rauch hollawing for me
I went over, and asked the boys what the wheake
where doing, the answered me you dry up, it is none
of your business, and said the could kill any whiteman
like a dog, I told Rauch to go and get his gun
and ane of the boys took the Sledge hammer like
he was going to throw it, I told Rauch to shoot
him, I was in Basse's office when he told Rauch
to care of the Blacksmith Shop, he said nothing
about letting Lyons work there I was plawing
in the Corn when I heard Rauch hollawing, the
said that the built the Shop, and the intended to
tacke it down, I said William Lyons breacke are of
the Crosspieces from the Door, the tried to breake
the piece off to, I saw them load the things
in the wagon and hawl them away, the Bells
and and vice
was worth about 25 Dollars in all,

Cross Examination

I was in the Shop avery about may or June
Lyons did some work for me then, Basse said that
he paid for the tools, I never asked of him where
he bought them, afterwa Rauch put up sign board,
for to keep out, the sign board was put up
right where he peneled up the lane
if I am right about the time it was on the 12th
of June that I heard Basse tell Rauch to
tacke charge of the Blacksmith Shop and
after that I saw the board, across the
Door, I told the boys that I heard Basse
tell Rauch to take care of the Shop

the told me to go to hell
Henry Pahlman
Swann and subscribed to
before me this 25th day of
August 1874 H H Swann Justices of the Peace

~~Heinrich Rauch on Examination~~
~~State of~~

Testimony of
Henry Pahlman

State of Mississippi } Henry Ranch prosecutor
 vs } an action of forcible breaking
 William Lyons } open and removing the tools
 Carter Lyons } of a Blacksmith Shop in possession
 of the said Henry Ranch

Warrant issued August 18th 1874 upon the oath of
 Henry Ranch for the crime of forcible breaking
 open a blacksmith shop and removing the tools therefrom
 by force. Warrant directed to John Damgan Const
 of Meramec Township make returnable forthwith

H H Jarre Justice

Warrant returned 25th Day of August 1874 Executed
 by having the Bodies of William Lyons and Carter
 Lyons before the Justice, and the said William
 and Carter Lyons waived all Right to making a
 Statement in the Cause. the Witnesses of both parties
 where Examined and the Justice having heard the
 Evidence of the parties adjudges that the Prisoners
 are guilty of the fact charged and thus brought
 against them, and that they are further adjudged
 to give bail in the sum of five hundred Dollars
 Each to appear on the first Day of the next Term
 of the Circuit Court for the County then and
 there to abide by the order of said Court or
 be otherwise Discharged by due Course of Law
 and the Defendant, refusing to give the bail
 required the Justice doth order that said
 William Lyons and Carter Lyons be committed
 to the Common Jail of the County of Jefferson
 untill they give the Security or be otherwise
 Discharged by due Course of Law

H H Jarre Justice of the Peace

State of Missouri
County of Jefferson

I H H Canine do hereby
Certify the foregoing to be a true and
complete Transcript from the Entries on my
Docket in the case of the State of Missouri
against William Lyons and Carter Lyons
on a charge of forcible breaking open a
blacksmith shop and the Examination
of Witnesses, proanned waived Examinations
and all the original papers before me are
attached hereto and herewith returned
Given under my hand the 25th Day
of August 1874 H H Canine
Justice of the Peace

Transcript of
Docket in case
of the State of Mo
against
William Lyons
Carter Lyons
Justice of the Peace

State of Michigan plaintiff } Heinrich Rauch prosecutor
 against } an action of forcible opening
 William Lyons } blacksmith shop
 Carter Lyons } Defendant

Feebill of all Cost and Expenses served at
 my Office in the proceedings of the above Entitled
 Cause August the 25th 1874

" Making and Certifying affidavit of plaintiff	\$ 00	35
" Issuing Warrant for the apprehension of Deft	"	50
" Issuing two Witness Subpoenas	"	40
" administering 5 oaths to Witnesses	"	25
" Rendering Judgment	"	50
" Writing Commitment to Jailor	"	50
Writing Down Evidence	1	50
" Making out Transcript	1	00
Total Justices	\$ 5	30

Constable's Warrant	\$ 1	50
5 Witness Subpoena	1	25
for Mileage actually traveled	1	50
Taking prisoner to Jail	2	00
Mileage going and coming	2	00
paid for boarding prisoners		
a day and night 75 Each	1	50

\$ 84 75	9 75
	\$ 15 15

I H H Sanne Justice of the Peace do Certify
 the above to be a true and correct account of all
 the Cost and Expenses served in the above Entitled
 Cause and that the whole Remains yet Due and
 unpaid Given under my hand this 25th of August
 1874 H H Sanne Justice of the Peace

2
Bill of all cost

incurred in the case

of

the State of Maryland

against

William Lyons

Deft.

Canter Lyons

Total

\$19.15

H H Stone

Quartermaster General

\$15.75 for

To Honorable Joseph J. Williams Judge
of Probate of Jefferson County Miss-
ouri -

The undersigned William and
Easter Lyons would respectfully
represent to your Honor that they
are now restrained of their liberty
and imprisoned in the common
jail of said County upon a war-
rant of commitment issued
by Henry H. Sanner a Justice
of the Peace of said County dated
August 25th 1874 a copy of
which is hereto annexed and
is prayed to be taken as a part of
this petition. They further state
that the only charge of any character
against them specified in said
warrant is that they unlawfully
and forcibly broke into a black-
smith shop & in the possession
of one Herminck Ranck and
taking therefrom a set of black
smith tools. That before said
warrant was issued there was a
trial before said Justice of said
charge and the evidence clearly
discloses the fact that your
petitioners went and took said

tools at the command of their father
Edward Lyon under a claim of
title on the part of said Edward &
under a claim of possession of said
shop. They further state that the
said warrant does not state any offence
known to statutes of Missouri and
they are now uninformed as to the
cause of their imprisonment.
They state that they believe the Criminal
process of the State has been misused
in this proceeding, instead of a civil
action in order to harass and
blackmail your petitioners.
They state that this is the ^{only} applica-
tion for a writ of Habeas Corpus
they have made to any Court.

Wherefore they pray your Honor
to grant them the writ of Habeas
Corpus and have your petitioners
brought before your Honor and
to have the cause of their imprison-
ment inquired into and to discharge
or bail them as the circumstances
of the case may require.

Wm Lyon & Carter Lyon.

John L. Thomas attorney for the
~~William Lyon~~ ^{Petitioners} one of said petitioners
make oath and says that the

To Honorable Joseph J. Williams Judge
of Probate of Jefferson County Miss-
ouri.

The undersigned William and
Carter Lyons would respectfully
represent to your Honor that they
are now restrained of their liberty
and imprisoned in the Common
Jail of said County upon a war-
rant of commitment issued
by Henry H. Sanner a Justice
of the Peace of said County dated
August 25th 1874 a copy of
which is hereto annexed and
is prayed to be taken as a part of
this petition. They further state
that the only charge of any character
against them specified in said
warrant is that they unlawfully
and forcibly broke into a black-
smith shop & in the possession
of one Herminck Ranck and
taking therefrom a set of black
smith tools. That before said
warrant was issued there was a
trial before said Justice of said
charge and the evidence clearly
discloses the fact that your
petitioners went and took said

nothing and things about in the above
petition are true.

John L. Thomas

Subscribed & sworn to
before me Aug 26th 1874
Joseph Williams
Judge of Probate

By The Habeas Corpus
Act.

Petition of Mr. - Lear
for writ
of Habeas Corpus

Filed before me
at writ of Habeas
Corpus issued
this 26th day of
August 1874
Jas. Williams
Judge of Probate

We William Lyons and Carter Lyons as
principals and Edward Lyon as
security are held and firmly bound
unto the State of Missouri in the
sum of two hundred dollars for
the payment of which we bind our
selves, our heirs, executors and admin-
istrators. This recognizance is to
upon this condition. That whereas
the said William Carter Lyons were
arrested and taken before Henry H.
Lanne Justice of the Peace of
Jefferson Co. Mo. on a charge of unlaw-
fully and forcibly entering a
blacksmith shop in possession
of one Kennick Ranch and taking
therefrom a set of blacksmith tools
and were on the 25th day of August 1874
found guilty said charge by said
Justice and by him committed to
jail said County in default of bail
which was required in the sum of
one thousand. And whereas they
were brought before Joseph J. Millison
Judge of Probate said Co. on the 26th
day of August 1874 on a writ of
Habeas Corpus and upon a hearing
thereof the said Judge fixed the bail

to be given by them at the sum of two hundred dollars. Now if the said William and Carter Lyons shall be and appear before the Jefferson Circuit Court on the first day of the next Term thereof to be held at Hillboro in said County on the second Monday of September 1874 and from day to day at said Term to answer any indictment the Grand Jury of said County may prefer against them for said Charge # and not depart said Court without leave then this recognizance shall be void otherwise it shall remain in full force. Witness our hands and seals this 26th day of August 1874.

~~Edward Lyons~~
his
mark

William Lyons

Carter Lyons

Attest

John D. Johnson,

his
Edward Lyons
mark

4325

State

ms

Wm. Carter Lyons

Recognition

The within recog-
nizance was
taken and
approved by
me this 26th
day of August
1874 the prose-
cuting attorney
agreeing there to
W. B. Williams
Judge of Probate

Filed Aug 27 1874

ms 1809 ce
Cen

Disburse

by J. J. Johnson
J. J. Johnson
James H. H. H.