

Jefferson County Circuit Court - Justice of the Peace
Case Files - Criminal
April 1875

Box 34 Folder 1

State

vs.

Smith, Joseph

Walsh, James

Hampton, Albert

Grand larceny

Stole \$10 worth of pork from
William Ball; discharged by JP
F.G. Eaglebarger

Examination of

Joseph Smith
James Walsh
& Albert Hampton

} Prisoners

Defendants charged with Grand Larceny by
Wm Ball of Platten Township county of Jefferson State
aforesaid, on his affidavit as follows,

State of Missouri

county of Jefferson } Sub.

On the 17-th March 1875.

came before me a justice of the Peace within and for
Platten Township in county & State aforesaid,

Wm Ball of the Same Township, and being by me
duly sworn on Oath States that, on the night
of March 10-1875. Joseph Smith, James Walsh &
Albert Hampton, all of Platten Township in Jefferson
county State of Missouri, did to the best of his
Knowledge & belief, feloniously Steal & carry away
in the county aforesaid, Pork of the value of \$10.
or upward, which belonged to & was in the possession
of him the said Wm Ball,

Signed Wm Ball

Sworn to & subscribed before me this 17th March 1875.

J. G. Eaglebarger

Justice of the Peace

I Wm Ball do hereby Subscribe my name as prosecuting
witness in the above entitled, ^{Examination} cause this March 17-1875

Signed Wm Ball

I issued a warrant on March 17-1875, commanding any Constable
of Jefferson county to apprehend the above named Joseph Smith
James Walsh & Albert Hampton and bring them before
me to answer the premises & further to be dealt with according

law, which warrant was executed by Julian Frazier, constable of Platten Township in Jefferson county in State aforesaid, by apprehending the said Joseph Smith James Walsh & Albert Hampton & bringing them before me for examination on the 18th March 1875.

J. G. Eaglebarger

Justice of the Peace

on March 17th 1875. Supena issued for Witnesses on the part of the State, for James T. McClain W. H. McCormack Jno McClain, Eddy & Martha McClain which was served by Julian Frazier constable of Platten Township

J. G. Eaglebarger

Justice of the Peace

On March 18th 1875 Issued Supena for Witnesses on the part of the defendants, for Willis Haverstick Chas Byrd Bradford Byrd & Phoebe Tucker,

Served by Geo Tucker,

J. G. Eaglebarger

Justice of the Peace

Before examination I informed the above defendants of their right to send for & have counsel, which they did not deem it expedient to do.

J. G. Eaglebarger, Justice of the Peace

The Examination was conducted by me as follows. The defendants & witnesses were brought face to face, and the defendants were by me informed that they had the right to cross examine all the witnesses that testified against them.

Wm Ball prosecutor being by me duly sworn states on oath, that on the night of March 10-1875 he lost pork to the value of \$10. & he thinks he has ^{some} reason to believe

& does believe that Joseph Smith James Walsh & Albert Hampton stole it. Cross Examination question 1 Joseph Smith asked witness what reason he had for believing defendants stole the meat? Answer From hearsay, question 2 James Walsh asked witness how much the pork was worth? witness said it is worth \$10.

Signed

W^m Ball

Sworn to before me

J. H. Eaglebarger Justice of the Peace

J. J. M. Clain being by me duly sworn on oath says That the Wagon said to contain the pork was left at his house on the night of the 10th March 1875. Witness was at Platten's church on said night. & going home about 11 or 12 O'clock same night, found 2 horses tied by the side of a path, about $\frac{1}{2}$ mile from his house, one of these witness says he saw in Joseph Smith's possession next morning, & Smith hitched it to the said wagon next morning, & going on toward home. witness says he met James Walsh, and 2 men with him, one of them was carrying something white. No questions asked on cross examination,

J. J. M. Clain

Alonzo Eddy being by me duly sworn on oath says, he was at Platten's church & on going home, at 11 or 12 O'clock on the night of 10 March 1875, in company with J. J. M. Clain he saw 1 mule & 2 horses tied or hitched on the left hand side of the road or path, witness thinks from appearance of the tracks they had not been hitched there more than an hour,

No questions asked by defendants by cross examination

A. Eddy

J. J. M. Clain by me duly sworn on oath says, that as he went to J. J. M. Clain's from Platten's church on the night of 10 March 1875, about 12 O'clock at night, about 2 hundred yards from J. J. M. Clain's, he met 3 men coming along the road

one of whom was James Walsh, did not know who the other 2 were
 one of the 2 was carrying something apparantly on his shoulder
~~Cross examination no questions asked~~ Jno M. Clain

On cross Examination, question by James Walsh. As witness
 knew him Walsh so well, he must have known that he did
 not have a sack on his back, Answer Witness could not
 say that he had a sack on his back, Jno M. Clain

Martha M. Clain being by me duly sworn on oath says
 that on night of 10 - March 1875 returning home from Platten
 Church not very far from her home, she saw 3 men who
 were carrying something, Martha M. Clain
 handed over to cross examination
 but no question asked

Geo Stroup being by me duly sworn on oath says That
 Joseph Smith was at Platten Church on night of 10 March 1875,
 at about 7 o'clock inquiring for James Walsh,
 no questions asked by cross examination & Geo Stroup

all The foregoing witnesses were on the part
 of the State, Prisoners were then examined see next page,
 On the part of defendants, Bradfield Byrd being by me
 duly sworn, on oath says, that Mr Ball told
 him that he believed Joseph Smith stole the meat
 because Smith knew where the meat was, ^{and how it was fixed} and no other man
 did, & it had been torn up small pieces laid aside, & large ones
 taken,

handed over to cross examination one question asked, Did you
 know of the defendants stealing meat
 Witness said no, Bradfield Byrd

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Statement of defendants taken by me one at a time
no one else present, James Walsh says, he and Albert
Hampton were at home all day 10 March 1845 building fence
between 3 & 4 P.M. W. F. McCormack came, along & Willis
Haverstick was present Walsh asked McCormack if there
was meeting at Platts church that night, & he said there
was, & Walsh said to Haverstick come down & we will go
to meeting, so he came down about sun down, & staid
with me till near 12 o'clock that night

James Walsh

A. Hampton on his examination taken before me says
he & Walsh were building fence on 10 March 1845 at
home & Willis Haverstick came there, & staid till 11 or 12
o'clock that night, Joseph Smith came about 8 o'clock &
he & Walsh & myself were there at home till morning
A. Hampton,

Joseph Smith on his examination States that he & Mr Ball
came to J. F. McClains at dark on the evening of the 10
March 1845. & left the wagon there & went on home,
Mr Ball with him, to within a mile of Smiths
home. Mr Ball left him & he Smith went
home, & when he got home about 8 o'clock
Willis Haverstick & James Walsh & Albert Hampton were
there. Haverstick staid till 11 or 12 o'clock & then
went home, & he Smith & Walsh & Hampton staid
till morning at home,
J. E. Smith

I hereby certify that all the aforesaid witnesses were by me duly sworn according to law, & that I wrote down their evidence of which the foregoing is a true copy, & that each of them signed their names to their statement so written down, also that the statements of Joseph Smith, Albert Hampton & James Walsh, ^{defendants} as found written on the foregoing page, on their examination by me was made by them severally separate one at a time & no other person present before me at the time, that I wrote their statements down as they made them, and each signed his name to it, and that on first & second pages is a true statement of the proceedings had before me on the 18th March 1875, in the examination of Joseph Smith James Walsh & Albert Hampton charged as before stated with Grand Larceny. before me by Wm Ball

J. H. Eaglebarger
Justice of the Peace

April 5th 1875 }

Upon an Examination of the whole matter it appears that an offense has been committed, but that there is no reason to believe that the prisoners Joseph Smith Jas Walsh & Albert Hampton, committed the offence, I therefore discharge them

J. H. Eaglebarger
Justice of the Peace

State of Missouri

Dr

Costs accrued in the foregoing examination
as follows

Justices fees	Thy. Eaglebarger J. P.	
For issuing warrant		\$.35
Issuing 2 Subpoena's,		.70
Administering oath to 7 witnesses		.35
{ Writing Statement of prisoners & testimony 1400 words at 15 cents per 100 words & figures }		2.10

Constable's fees	Julian Thazier constable	
Serving warrant 3 defendants		\$ 2.25
Mileage in serving warrant		.25 ✓
{ For summoning 4 witnesses		1.00
Mileage		.25 ✓
For boarding prisoners 3 days ^{1.50}		\$ 5.00
For guarding ^{2.50} 2 guards		4.00

{ Geo Tucker Summoned 4 witnesses		\$ 1.00
Mileage		.50 ✓

4436

Mato

to

Smith, Walsh &

Stamptown

Filed April 5 1865

C. H. H. H. H. H.

Clear