

Jefferson County Circuit Court
Case Files - Criminal
January 1877

Box

36

Folder 56

State

vs.

Zahner, John

Grand larceny

Stole 10 hogs from John Knorp

INDICTMENT.

STATE OF MISSOURI, }
County of *Jefferson* } ^{88.} { In the Circuit Court of *Jefferson* County, Mo.,
January Term, A. D. 1877.

The Grand Jurors for the State of Missouri, summoned from the body of

Jefferson County, empanelled, charged and sworn, upon their oaths, present that

John Zahner late of the County aforesaid, on the *1st* day of
November, 1876, ^{and in} at the County of *Jefferson*

~~State aforesaid, did~~ *and State of Missouri did*

Steal head of Hogs of the value
of one hundred dollars of the
goods and chattels and personal
property of one John Knorr then
and there being found, feloniously
did 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

Geo. Williams
Prosecuting Attorney

against the peace and dignity of the State.

A true bill:

Circuit Attorney.

Foreman of the Grand Jury.



INDICTMENT

AGAINST

CHARGED WITH

Term,

Court

Filed

187

Clerk.

No 14
State vs John Zahner

Indictment for
Grand Larceny

witnessed
John Knorr

Elmira W. Becker

a True Bill

D L Lawrence
Foreman

Filed January 11th 1877

C. Ho. Harris, Clerk

By J. H. Green
Deft

pet. ch. & vent.
with summons

STATE OF MISSOURI,

County of *Jefferson*

The State of Missouri,

ss.

To the Sheriff of Jefferson County Greeting:

WE COMMAND you to take

John Gahner

if he be found in your

County, and him safely keep, so that you have his body before the Judge of our Circuit Court, at the Court House in

Missouri within and for the said county of *Jefferson*

on the *second* Monday in

May

next, then and there before our said Judge, to

answer an indictment preferred against him by the Grand Jurors of the State of Missouri, empaneled, sworn and charged to

inquire into and for the body of the County of

Jefferson

aforesaid, for

Grand Larceny

whereof he stands indicted. And this you shall in no wise omit. And have you then and there this Writ.

GIVEN under my hand and the Seal of our said Court, Done at office in

Hillsboro

in the County aforesaid, on this

12th

day of *February* A. D. 1877.

So Thos. H. Crane CLERK.

CAPIAS.

CIRCUIT COURT.

able Term, *May* 187*7*.

STATE OF MISSOURI,

VS.

Wm. Zahner
Grand Larceny

Sheriff will take Bond in Penalty of
Dollars.

T:

Clerk.

Filed May 16th 1877
C. J. Thorne
Clerk

The John Gehner as principal and
and as securities
each acknowledge ourselves to owe and stand indebted
to the State of Missouri in the full and just sum of
Two Hundred Dollars. to be levied of their
respective goods and chattels, lands and tenements
yet upon the following conditions; If the said John
Gehner shall personally be and appear before the
Circuit Court to be begun and held at Hillsboro
within and for the County of Jefferson on the second
Monday of May 1877; and from day to day during
said term; and upon the first day of, and from
day to day during any regular, special or adjourned
term of said Court to which said cause may be
continued; then and there to answer an indictment
preferred against him by the grand jury of said
Jefferson County, Missouri; for Grand Larceny, and
not depart said Court without leave, then this
recognizance to be void else to remain in full
force and effect, Dated at Hillsboro Mo, and sealed
with our seals this 11th day of April 1877

John Gehner Seal
Joseph Watter

The above bond is approved by me this 11th day of April 1877

Joseph Watter
Judge of Probate

State of Missouri

vs
John Leaver,

By the undersigned

David Leaver,

Filed April 13th 1877

Chas. H. H. H.

Clerk

To the Honourable A. H. McMullin Judge of
Probate within and for Jefferson County Missouri

The undersigned your petitioner would
respectfully state that he is imprisoned and restrained of his
liberty, at the town of Hillston, State and County aforesaid
by John Williams Sheriff of Jefferson County Missouri and
by John Cook and others, deputies under said Sheriff

That he is detained and imprisoned by virtue
of a capias issued from the office of the Clerk of the Circuit
Court of said Jefferson County Mo, upon an indictment
found against your petitioner by the Grand Jury of said
County, charging him with feloniously taking one hog, the
property of John Knapp -

That no application for the relief hereby sought
has been made to or refused by any Court whatever, or
any officer whatever

He therefore prays your Honor to issue your
gracius writ of Habeas Corpus to said John Williams
and John Cook within and upon a hearing of the
return thereto, to admit petitioner to bail, in a reasonable
sum for his appearance at the Circuit Court of said
County on its next term and for such other orders as
may be necessary proper

John Gehner
John Gehner on oath states that the above petition
is true and correct

Subscribed & sworn to before me

April 11th 1877

A. H. McMullin
Judge of Probate

Under the Habeas Corpus Act

State
19
John Gahner

Filed April 13 '87

Chas. W. Moore

Clerk

State of Missouri
County of Jefferson By the Halves Capt. Act.
The State of Missouri to the Sheriff of Jefferson County Missouri,
Greeting

You are hereby commanded that the body
of John Zahner, ~~in the jail~~ under your custody
detained as it is said, under safe and secure conduct
together with the day and cause of his being imprisoned
and detained, by whatever name the said John Zahner
may be known, you have before me, R. W. McMullin
Judge of Probate within and for said County, forthwith
to do and receive what shall then and there be
considered concerning the said John Zahner,
so detained as aforesaid; and hereof fail not at your
peril.

Witness my signature and official seal
hereunto attached, this 11th day of April
A.D. 1877


Judge of Probate

State of Missouri
John Fother,

Writ of Habeas Corpus.

By the Habeas Corpus Act.

Filed May 16th 1879
C. J. H. H. Corine
Clerk

I John Williams Sheriff of Jefferson County
Mo. in return to and of the annexed writ of
Habeas Corpus, state that I have in my custody
as such Sheriff the petitioner John Gehner; That I
so have him in my custody and am restraining
him by virtue and authority of a writ of capias
issued from the office of the clerk of the circuit court
of Jefferson County, Mo. upon an indictment
preferred against him for Grand Larceny (^{a copy of} which
capias is herewith annexed and made part of this
return)

John Williams Sheriff

State of Missouri

vs

John H. Hahn,

By the Hahn-Corporation

Writ of Habeas Corpus

7th

Filed April 13th 1877

@ Geo. H. Hahn

clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

John Knorrph, & Emma M. Knorrph

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 14th day of May, 1877, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein The State of Missouri is Plaintiff, and Christian Knorrph John Knorrph is Defendant, on the part of State; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 24th day of April, A. D., 1877.

C. Tho' Horine
CLERK.

May 77

State

vs

~~Christian Fink~~
John Gahner

State

John Knopf &
Elmira H. Leckey

John Williams
Sheriff fee \$1.00

Filed May 14th 1877
C. Thos. Horne
Clerk

May 4

Enclosed the Writ in the above named case in
the 4th day of May 1877 by Reading the same to
John Knopf and Elmina Leckey
John Williams Sheriff

State Charge Grand Larceny
vs. In the Circuit Court
John Gahmer of Jefferson County Mo.
May Term 1877
vs Joseph J. Williams Esqr
Prosecuting Attorney of Jefferson
County Missouri

Take notice that
the Defendant above named, will
as soon as he can be heard thereon
make application for a change
of venue of said cause
granted or not on the petition
of the Judge of this Court and the
26th Judicial Circuit
at St. Louis Mo
Attorney for
Defendant

State

09.

from Graham

Notion for

Change of

name

except notice of
the within this 14th

May 1877

prosecuting attorney
prosecuting attorney.

Filed May 14th 1877

C. W. Moore

clerk

~~John~~
State of Missouri
vs.
John Zahner

Charge Grand Larceny
In the Circuit of Jefferson
County Missouri

May Term 1877.

The petition of John Zahner, the above named
Defendant respectfully represents that an
indictment is pending against him
in this Court, for Grand Larceny. That
your petitioner has good cause to
believe and does believe that he can not
have a fair and impartial trial ~~of said~~
in the 26th Judicial Circuit and before
His Honor L. F. Downing and that said
Judge, the Hon L. F. Downing is prejudiced
against him. John Zahner

By Byrnes & McMullen and Ward
his attys

John Zahner being sworn on his oath states
that the causes set out and the facts stated
in the above petition are true, and that he
has just cause to believe and does believe
that he can not have a fair trial in
the said 26th Judicial Circuit and
before His Honor L. F. Downing the Judge
thereof, on account of the cause

alleged in the above petition

John Zahner.

Subscribed and sworn to before me May 15th 1877

Amos A. Quinn
Judge of Probate

State

vs,

John Zahner

Application for a
Change of venue

Filed May 16th 1877,

L. Thos. Herine

Clerk

Given

If the Jury believe from the evidence in the case that the defendant at the County of Jefferson ~~County~~ State of Missouri is within three years before the 11th day of January 1877 did feloniously steal take and carry away the logs or any of them the property of one John Knopf as charged in the indictment you will find him (the defendant) guilty in manner and form as he stands charged in the indictment and assess his punishment by imprisonment in the penitentiary not more than five nor less than two years

Filed May 16th 1899
D. M. H. H. H.
Oleida

Given

If the Jury have a reason
= able ^{for} ~~of~~ defendant's guilt - They
ought to give him the benefit
of such doubt and acquit
but a doubt to authorize
an acquittal ought to be a
substantial doubt touch-
ing defendant's guilt - and
not a mere possibility of
his innocence

Filed May 16th 1877
D. H. H. H. H.
Clerk.

Given

If the Jury believe from the evidence in this cause that the defendant took and carried away the hogs or any of them mentioned in the indictment and that he took them in a fair color or claim of title and that he took them in good faith under a belief that he had a right to them you will find defendant not guilty - although you may believe from the evidence that defendant was mistaken in his claim to said hogs -

Filed May 16th 1877
L. V. Thos. Maine
Collector

We the Jury find the def
endant not guilty - in
answer and find as he
stands charged in the in
dictment

J. L. Carver
Foreman

Filed May 16th 1877
C. Tho. Hoar
Clerk.