

Jefferson County Circuit Court
Case Files - Criminal
October 1858, No. 1

Box 10 Folder 20

State

vs.

Hays, Harry M.

Grand larceny

Stole gun, watch, pocket knife, pocket
book, razor, \$95 cash from Thomas
Tucker; testimony included

State of Missouri
County of Jefferson } ss.

This day personally appeared before me
H. M. Parker a Justice of the Peace, in and
for the aforesaid County, Thomas Tucker
who, being duly sworn, upon his oath
sayeth; That two persons (males) one calling
himself Harry M. Hayse (the other being
at large) did on Friday August 13th 1858
in the daytime break in the window in
deponent's house situated in the aforesaid
County, and stole therefrom money to the
amt. of One Hundred & Fifty or One Hundred
& Eighty Dollars in gold & silver, Two silver
watches - One Rifle Gun - One Razor &
One Pocket-Knife - The Rifle, Razor, one
watch, & Pocket-Knife were found on the
Prisoner's ~~Person~~ further he sayeth not.

Sworn to and subscribed
before me this day
August 14th 1858
H. M. Parker
Justice of the Peace

Thomas Tucker

State
Henry H. Hays

State of Missouri }
Jefferson Co. } B.

Whereas, complaint is made this day
upon oath of Thomas Tucker before me a Justice
of the peace within and for said county, deposes
and saith that ^{upon his oath} two persons one calling himself
Harry McBayre (the other being at large) did on
Friday August 13th 1858 Break in the window
in said deponents house situated in
the above county - and stole therefrom
one Rifle Gun, two watches, and Gold
& Silver to the amount of One Hundred
& Fifty or one Hundred & eighty Dollars there
was one twenty Dull. & some ten Dollar
& the balance in five Dollar Gold Pieces,
also one Gold Breast Pin with Glass in
one Knife & one Razor The Razor, watch,
Knife, & Rifle were found on his Person,
Thomas Tucker

Sworn and Subscribed
before me this day
Aug. 14th 1858

H. M. Parker
Justice of the Peace

State
W

Harry M. Hays

g p fees \$11.10
Carrs " 4.75
\$15.85

Copy sent to
Honey Creek
Court Clerk
also
Certified
this in Book

State of Wisconsin }
Jefferson Co. }

To Martin Sweeney constable of
Little Rock Township Jail Keeper
of the Jail of said county

Greeting: These are to command
you, the said constable forth with
to convey and deliver into the custody
of the Keeper of the Jail of the County
of Jefferson the Body of Harry M.
Hayse of Jefferson County butler and
brought before the Justice of the Peace
within and for the county aforesaid and
charge before me upon the oath of
Thames Tucker of the County of Jefferson
with the offence and for the said
Keeper of said Jail are hereby
required to receive the said Harry
M. Hayse into your custody with
the said Jail and him there safely
keep until he shall thence be
discharged by due course of law.
Given under my hand this day Aug.
14th 1858
J. C. M. Parker
Justice of the Peace

Wm Winer is authorized to execute
this Pit.

L M Parker
Justice of the Peace

To the Hon County Court of Jefferson
County Missouri, now in session at Hillsboro

The undersigned Harry M Hays
begs leave respectfully to state that he has
been illegally arrested, committed to the
common jail of your county and is
restrained of his liberty within this state
by James Williams the jailor of said County.

He is unable on account of the gross
illegality of all the proceedings in his
case to state fully the facts concerning
his imprisonment or to learn the ^{true} cause
thereof, but states that he was seized
by parties unknown to him who he believes
were acting without authority, and was
taken forthwith before a person who he
was informed was a Justice of the peace
his name he is unable to give. He states
that he is only 15 years of age, inexperienced
in judicial affairs, was without friend or
counsel, was wholly unacquainted with the
persons present, that he has since employed
counsel and is informed that no papers
can be found by his counsel to enable
him to ascertain the nature of the charge
against him. He states that he is illegally
restrained of his liberty for the following
reasons.

- 1st He was arrested without authority,
- 2nd He has never had the benefit of an
examination, or any hearing,
- 3rd There is no evidence against him of the
commission of any offence for which
he can be held to answer,
- 4th He has never seen or heard the evidence

against him, if indeed there be any.

5th the said jailor has no authority for restraining him of his liberty. issued by a proper officer.

6th The whole proceedings are informal illegal and void ~~and~~.

He further states that he has made a demand on the jailor for a copy of the order, process or warrant on which he was committed ~~but~~ and was informed that he had no such paper, but was referred to the Clerk of the Circuit Court of your county who also states that he has no paper of the kind.

Harry M Hays.

State of Missouri }
County of Jefferson } ss.
Harry M Hays, being
by me duly sworn upon his oath states
that the matters and things as stated
in the foregoing petition are true as
therein stated,

Signed & Sworn to before
me Sept 22^d 1858

Elias J Hooney clk }
Low Court } Harry M Hays

Warren in charge
Petition for Malaga
Company.

The State of Indiana,
County of Adams. Justice within and
for the County of Adams.

And are hereby commanded to have the
body of Abner M. Davis, now imprisoned in the
County Jail of said County, together with the
time and cause of his imprisonment before the Justice
of the County Court and in default without delay
to do and receive what shall then and there be con-
sidered necessary and

Given under my hand and
Affixed seal by order of the County
Sept. 20. to 1838.

Alfred J. Moore, Clerk

The State of Missouri } ~~Before the Circuit Court~~
 Against } of the County Court
 Harry M. Hays } of Jefferson County
 Missouri.
 } Prosecution for Larceny

Thomas Tucker of lawful age
 being duly sworn upon his oath says.
 on the 14th day of August last some time after
 12 O'Clock went from his house. which is situated
 in Jefferson County Mo. to the Spring to get a drink
 of water. and to kill a squirrel - was gone some
 one and a half hours - when I returned to his house
 discovered that his watch was missing - and
 also another watch - a Rifle gun - a gold breast
 pin - and two pocket books were missing - in the
 pocket book belonging to self ^{contained} \$85 or 86 in
 gold and silver - in the other pocket book which belongs
 to his son amount of money not known - but is certain
 was some ^{money} then went in pursuit of the missing
 property - overtook the prisoner now before the court
 at Sulphur Springs on the S. Louis & I. M. R. Road
 just caught by Mr Jas H. Hester who ^{prisoner} had in his
 possession my Rifle gun watch. pocket knife and
 razor - which prisoner gave up to me - then my
 charging him with the taking of same (prisoner
 said would give up all he had (if they would
 spare him (the prisoner) - The prisoner was then
 taken before Mr Parker a justice of the peace who
 issued a warrant for his arrest (and committed
 said prisoner - to the jail of Jefferson County. Witness
 says - the watch given up by prisoner is worth \$10.00
 say the razor is worth fifty cents. the pocket knife
 worth twenty five cents.

Examined by Prisoner's counsel. Witness says the
question house - from which the property was taken is
a dwelling house - and not used for any other
purpose - Found a foot print on the table about
a number 7 or 8 - Witness says has owned
the watch taken from the prisoner eight or ^{nine} ~~ten~~ years
don't know what such watches can be bought for
at this time:-

Prisoner at the time was arrested had no money
on his person = Witness says he saw the same
sized truck - that he saw on the table on the
hill in the road - going towards the rail road.
Witness further states that on returning from the
Spring - and wiping the property taken off found
the window sash of the house pried out.

the Witness also states that the first time he saw
prisoner he was running towards a steam boat - and
J. J. Foster running after him - Witness also says
that the prisoner gave his name to the justice of
the peace as 'Hays' -

Witness says the prisoner was arrested the
day following the robbery.

Witness states that at the time of the robbery there
was another gun in the house which was not
taken.

sworn to & subscribed
before me, this 20th day
of September 1858.

Chas. J. Rankin
James McColloch
Justices of the County Court

Thomas Tucker

Harry M. Mays. states that he had been coming on
some time. business being very dull. Started
down the rail road to see if he could find
employment. Turned off from the rail road. and met
with a man - a stranger (he had a Rifle gun. and
the other articles found in my possession) in conversation
with him - he stated that he was also a steam boat
man. and knew of a steam boat - making up a crew
and if I would go with him - would get me a situation
and then ~~gave~~ ^{asked} me to carry the gun (which I carried some
distance - ~~gave~~ ^{handed back to him}) and other property
which I had when arrested. met with the man
spoken of on the same day I was arrested about three
miles from Memphis Springs. also states that Mr. J. L.
Foster came up to where he and the man - were sitting
peaches - the gun was lying in the ground. Foster
took the gun and fired it off and said we have
got this - was somewhat excited jumped down a
deep bank - and Mr. Foster jumped on to me.
and was hurting me - said if they let me up
would tell them all I know about the affair.
Mr. Luckie came up and said to me you are the
man who robbed me - And I said spare me and
I will give up all I have - and told them the
other man had given me the property found
in my possession.

Cross examined }

Harry M. Mays

State of Missouri }
County of Jefferson }

We, Charles S. Rankin, and James H.
Cullach, two of the Justices, of the County
Court of said County, do Certify that the said
Harry M. Mays, was brought in, and charged
before us, with felonious stealing a rifle

gun, eighty five or six dollars, in money,
 two watches, two pocket Books, a razor
 and Breast pin, the property of Thomas
 Tucker, and that the said Harry M.
 Mayo was distinctly informed by us
 of the charge made against him
 and that he was at liberty to refuse
 to answer any question put to him,
 - and the examination of the said Harry
 M. Mayo, as also, the information of
 the said Thomas Tucker a witness, for
 the state were by us taken and reduced
 to writing, the day and year aforesaid,
 Given under our hands. Chas. S. Perkins
 this 23rd September } James McAllister } Justices
 A. D. 1858. } of the County Court

State

vs,

W. M. Mayo,

Examination

of witnesses &c

170
40
25
295

State of Michigan
County of Jefferson 388-

Thomas Tucker on oath

states that on the fourteenth day of August
1858 he had stolen from him at the County
of Jefferson from affiant's house in said
County a cut and rifle gun two watches
two pocket books containing together
about one hundred and ~~seventy~~ ^{one hundred} dollars,
all the property of affiant, and that he
has reason to believe and does believe
that one Harry M. Stapp at the County and
State of Iowa did feloniously steal
take and carry said property of the value
of two hundred and forty or fifty dollars, ~~all~~

Sworn to & subscribed }
before me this 22^d day }
of Sep. 1858 }

Alfred P. Hefner
Clerk Co. Ct

Thomas ^{his} Tucker
Mark

Sto.

(20.

Chas. M. Stages,
Attendant of Thomas Drake

Witness before me 22nd 1858
A. F. Deane Clerk

State of Missouri }
County of Jefferson } ss.

Be it remembered that on the 28th day of September 1858, at the County aforesaid, Thomas Tucker of said County came before the undersigned two of the Justices of the County Court of said County and in his proper person acknowledged himself indebted to the State of Missouri in the sum of fifty dollars, to be levied of his goods and chattels, lands and tenements, upon condition that if he shall personally appear before the Circuit Court on the first day of the next Term thereof, to be holden for the County of Jefferson aforesaid, on the 25th day of October 1858, then and there to testify and give evidence in behalf of the said State, against a certain Harry M. Mayo, on a certain charge of Larceny, whereof he stands charged and shall not depart the said Court without leave, then this recognizance to be void, otherwise of full force.

Approved, this 29th
day of September 1858.

Chas J. Hankins

James McCalloch

Justices of the County Court

Thomas Tucker

State

no.

Henry M. Hayes

James of H. Hayes,

The State of Michigan, to any Constable of the
County of Jefferson. Greeting:-

Whereas, Thomas Tucker, of
Jefferson County Michigan, hath this day given informa-
tion, upon oath, to ~~us John~~ ^{us} ~~James~~ ^{James} a Justice of the
~~County of Jefferson~~ ^{County of Jefferson} and for the County of Jefferson; that on
the fourteenth day of August last past, at the County
aforesaid, one Harry M. Stays at the County aforesaid
did feloniously steal take and carry away
a certain rifle gun two watches two pocket-
books containing one hundred and seventy
dollars, and one breast pin all of the value
of two hundred and forty or fifty dollars the
property of said Thomas Tucker.

These are therefore to command you forthwith
to apprehend the said Harry M. Stays and
bring him before me to answer the premises
and further to be dealt with according
to law

Given under my hand at the County of
Jefferson aforesaid this 23^d day of September
1858.

Chas S Rankin

James McColloch

State Warrant

Sherriff fees \$1.00

for keeping prisoner
one day & board 1.40

Delivery to jail 75

\$3.15

I executed the within writ at the County
of Jefferson State of Mo by taking Harry M
Hays and bringing him person before the
Honorable Judges of the County Court of Jefferson
County on the 22^d of September 1858

Oscar Doved Sheriff

State of Missouri } In the Circuit Court
County of Jefferson } October Term A.D. 1858

The Grand jurors of the State of Missouri now here in Court duly empanelled, sworn and charged, to inquire within and for the body of the County of Jefferson, upon their oath present that Harry M. Hays, late of said County, on the fourteenth day of August, one thousand eight hundred and fifty eight, with force and arms at and in the County of Jefferson aforesaid, the sum of the value of ten dollars, one watch, to wit, one silver watch of the value of ten dollars, one gold watch of the value of twenty five dollars, one knife, to wit, one pocket knife of the value of one dollar, one pocket Book of the value of one dollar one razor of the value of two dollars, one gold breast pin, of the value of two dollars, Eighty dollars in cash, to wit, ten Bank bills of the value of fifty dollars, and thirty pieces of silver coin of the value fifty cents each, and fifteen dollars in silver coin, its further description unknown to the jurors of aforesaid. The Goods and chattels and personal property of one Thomas Tucker feloniously did steal take and carry away

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Missouri

Amiel L. Holt Circuit Atty.

#1

State of Wisconsin

Henry M. Mayo

Indictment for
Grand Larceny

A true bill
Albert H. White

Freeman,

Attorney

Thomas Jackson

Richard W. Bailey

James H. Hays

Dated Oct 26th 1878

Edw. J. Hays

1841
JULY
MASS

If the Jury find that the ^{Juror} Witness, on the 13th August last, had stolen from him the property mentioned in the Indictment and that recently thereafter the same or any part was found in the possession of the Prisoner, such possession unless satisfactorily accounted for to the Prisoner, affords a reasonable presumption of ~~his~~ ^{his} guilt, ~~in taking it, and~~
~~if found by the~~

If the Jury find that the property taken by the Prisoner, (or by his confederates he being present aiding and assisting him to do the deed) to be of the value of Ten Dollars or over. The Jury will find him guilty and for his punishment to imprisonment in the Penitentiary for a term not more than seven years nor less than two years. — But if they find the Prisoner under the age of sixteen years, or that the property stolen to be under the value of ten dollars, then they will for the punishment, if under sixteen years of age to imprisonment in the County Jail for a term not less than one year, or if the property is found to be less than ten dollars in value, to imprisonment in the County Jail for a term not greater than one year, or by fine not exceeding one hundred Dollars or by both such fine and imprisonment.

We the Jury find the prisoner ~~guilty~~
as let forth in the indictment and
after the punishment to which we
are the jury find by the
N^o 1st Verdict

Guilty