

Jefferson County Circuit Court - Justice of the Peace
Case Files - Criminal
August 1859

Box 11 Folder 68

State

vs.

Wilson, J. E. C.

Murder

Victim Sebastian Gaunter, depositions;
not guilty before JP Robert Hunt

State of Missouri }
County of Jefferson }

ss Before me Robert Hunt Justice of the
peace for said County personally came

Henry Nagel who being duly sworn according to
Law depareth and saith that on or about the 18 day of
July 1859 in the County of Jefferson that Sebastian Garter
was Murdered or came to his death by violence
and this deponent says he verily believes that J. E. C. Wilson
is guilty of the fact charged

and further this deponent saith not
sworn to and subscribed before in } Henry Nagel
the County aforesaid this 25 day of }
July 1859 }
Robert Hunt Justice

State of Missouri }
County of Jefferson }

ss the State of Missouri to the Constable
of Little Rock Township Greeting

Whereas Complaint has been made before me one of the Justices
of the peace in and for the County aforesaid upon the oath of
Henry Nagel that J. E. C. Wilson late of
the County aforesaid did on or about the 18 day of July
1859 at the County of Jefferson did Murder Sebastian Garter
or he came to his death by blows inflicted by J. E. C. Wilson

these are therefore to Command you to take the said J. E. C.
Wilson if he be found in your County and take and
safely keep the said J. E. C. Wilson so that you have his
Body forthwith before me or some other Justice to answer the
said Complaint and be further dealt with according to Law

Given under my hand and seal this 25 day of July 1859
Robert Hunt Seal
Justice of the peace

Served this writ as I am Comanded
by taken the body of J. E. C. Wilson
on this the 25-day of July 1859

Martin Swaneey
Constable

State

Warrant

=25=

J. E. C. Wilson

Subt. for affidavit

Warrant

25/50

State of Missouri }
County of Jefferson } 43

The State of Miss-
ouri, to Martin Sweeney, Constable of
Little Rock Township, in the County of
Jefferson,

Greeting, - To Nicholas Miller,
Elizabeth Kinder, Charles Igle,
John Baumgardner, and Henry
Nagle,

You are hereby ~~commanded~~
that, all excuse and delay set aside,
you be and appear before me, H. M. Parker,
a justice of the Peace within and for said
Township on the 5th day of ~~Aug~~ ^{August} A.D. 1857,
at the hour of 10 o'clock A.M., to testify
the truth of his knowledge, touching
a certain matter of controversy before
me depending between State of Missouri
Plaintiff and J. C. Wilson defendant,
on the part of Plaintiff: hereof fail
not at any peril, and have you then &
there this writ.

Witness my hand, this 25th day
of July A.D. 1857

H. M. Parker
Justice

Served this writ by reading the same to
 John Bangardnes Charles Joel Niles Miller
 Elizabeth Snider on the 1 day of August and
 to ~~Henry Bangardnes~~ on the ~~1 day~~ of August 1859
 Martin Lunny clerk

Consul for \$1.00

J. J. B. 25-

John Bangardnes
 Henry Bangardnes
 Charles Joel Niles
 Elizabeth Snider
 Niles Miller

J. J. B. 25-

Elizabeth

State of Missouri }
County of Jefferson }

To Thomas H. H. and William

And you are hereby commanded, that all Excesses
and delays being at decide, you personally be and appear
before W. H. Taylor a Justice of the peace within and for
the term time of Little Rock in the County of Jefferson
on the 5th day of August-1859 at the hour of 10 o'clock
A. M. at his office in said Township, to testify on the
trial of a Case wherein State of Missouri is Plaintiff, and
J. E. McNamee is Defendant on the part of the
Defendant. And if this you are not to fail at
your peril

Given under my hand this 2^d day of August 1859

Robert Hunt Justice

Superior

State of Missouri

=VS=

J. E. C. Wilson

Sp^d for

Francis Kirk &

William Horne

Two true & Hunt 35

Served by

G. H. Hamilton

Aug 33rd

I have the within sup^d in Francis Kirk & Hearing
the same in his hearing and present in this 3rd day of
August 1859
In witness whereof
Aug 33rd 1859
Robert G. Hamilton
G. H. Hamilton

State of Missouri }
County of Jefferson }
State of Missouri }
J. C. Wilson } of the Peace of Jefferson County
Missouri, arrested on a charge
of Murder.

Evidence for State

On this 5th day of August A.D. 1858, I, Nicholas Miller
of said County, and being sworn & dep. that I am not
personally acquainted with Sebastian Gault^(the deceased)
he was at Baumgardner's Shop when a difficulty
took place - Sebastian Gault was fighting
with a man in his shop - Mr Baumgardner
came in, after that ~~the~~ Gault went
to Wilson's Grocery and treated to four drink-
ing - After ^(wonder) they went back into the shop
and ^(this man Gault) caught the same
old man ^(Briger) by the shoulder and asked the
old briger what he wanted, - the
old man took up a hammer and
struck Gault on the back of the
neck - ~~did not hurt him~~ he struck
him hard enough to break the knife
away - did not fall - Gault said to
Briger you old devil and took up a
single stick & struck him across the chest,
John Baumgardner came up and struck
Gault & he fell & then Baumgardner
took him by the back of the neck
and ~~threw him~~ packed him out of the
shop - after they packed him out
Briger said he believed ^(Gault) ~~Briger~~
had broken his arm & then Baumgardner
gave him ^(Gault) two licks more - ~~Briger~~
- when Wilson was coming over to the

Shop ~~Brazier~~ ~~XXX~~ ~~halla~~ ~~and~~ ~~that~~ ~~his~~ ~~arm~~
was Beaten - he Wilson picked up a trussell
and struck Gaultier over the head with it -
struck him on the top of the head - could not
say whether he cut his head or not - Wilson
kicked him with the heel of his shoe - Banga-
rner pulled him (Wilson) back & he Wilson
struck him again - kicked him again on
the face under the eyes - kicked with the
heel of his shoe - they pulled Mr Wilson back
& he Gaultier got on his horse & went off -
this all happened on Monday about 10 o'clock
in month of July don't know what day of the
month -

Cross Examined - It was very warm weather -
about three or four weeks ago - John Bangard-
ner, his hands & another man were present -
at the time this happened - Gaultier was not
striking Bangardner at the time Wilson came
over - Bangardner threw Gaultier out by
taking hold of the back of the neck
& seat of his breeches - threw him on the
ground on his face - did not hurt
him - Bangardner struck Gaultier twice
after he threw Gaultier out - Gaultier got
on his horse & left between 10 & 11 o'clock -
he thinks so - Gaultier when he left -
Cursed Wilson & made use of abusive
language - Bangardner offered to assist
him on his horse & Gaultier pushed him
away & said he could get on himself -
& seemed stout & without bleeding -
he appeared to be drunk before this
affair & afterwards -

he appeared to her - Gaultier was not more
 than three or four steps from Wilson when he
 Wilson struck him ^(Gaultier) - When Wilson struck him ^(Gaultier)
 with the trussell two legs were off - Struck him
 on his head - Struck him on top of his head -
 he believe the legs were up wands when he was
 struck - This was outside of the shop - hit him
 five or six licks with the trussell - all on top of
 his head - he was not altogether of when Wilson
 struck him - everytime he kicked him with his
 heel of his shoe he would fall back again -
 He & witness did not fear them, he just
 looked on as it was none of his business -
 Sworn to and subscribed } Nicholas ^{his} & Miller
 before Me this 5th day of }
 August - A.D. 1858. }
 H. M. Parker,
 Justice.

Elizabeth Snyder being Sworn upon oath
 says - she resides in Jeff. Co. Mo. I am not
 acquainted with Sebastian Gaultier - on Monday
 the 18th day of July 1858 witness saw ~~at~~
 man known as Gaultier in J. E. Wilson's
 grocery he had the money drawer out,
~~then~~ he with his hand in, fiddling
 around, & then he shut up the drawer & then
 put his hand in his pocket - Gaultier
 then went over to Bangardner shop & ~~there~~
 they & Bangardner caught Gaultier the
 back of the neck & seat of his breeches &
 laid him out ~~of~~ the shop - let him fall
 out - after laying him down he Bangardner
 gave him

- Two or three knots - after that Wilson came out from the Grassy & hit him (Gunter) with a Buck or tessel - tessel had not four legs - & it was three or four feet long. Witness Mr Baumgardner took him back (Wilson) Wilson went back to him & struck him once in the face under the eye & the other in the stomach - or she could not exactly say where - suppose about the stomach. Gunter then got up and called for his hat - & then got on his horse & went off - & then Gunter told them to kiss his ass - he was bleeding, sure in the face & was right drunk - it was about 12 o'clock or an Examine - it was a very hot day - as he drew his hand out of his money draw his hand was shut up - could not say if he had any money in it -

Sworn and subscribed } Elizabeth & Ruyden
before me this 5th day }
of Aug A.D. 1889
L. G. M. Butler
Justice

Charles Lytle being sworn says - not acquainted with Sebastian Gunter - knows nothing of the case - John Baumgardner being sworn says - saw Gunter on Monday 18th July 1889. on Monday Gunter insulted witness & others to the Grassy to drink & they drank several times - He then went over to the hay & Gunter pulled one of the men & held him down & struck him

with a hammer - ~~that he had~~
~~knocked the water bucket off out of the~~
~~shop~~ - Gault then struck the man with
 a single tree on the arm - Bangwarden then
 hit Gault out of clary - then Wilson ~~then~~
 came over to the shop for his money - & the
 old man said that Gault had broken
 his arm - Wilson said it was a shame to
 hit an old man - & then said he had no
 notion to hit Gault & took a vessel &
 struck him down two licks but could
 not hit him as he Gault was lying on
 the ground - he was drunk - the legs then
 flew off - he struck him one lick on
 the head & witness pulled him back -
 witness did not see any blood then -
 as Gault picked up - Wilson kicked
 him on the head - this affair occurred bet-
 ween 11 & 12 o'clock A.M. I offered to assist
 him to get on his horse he said he did not
 want me to help him he could get on
 himself - & got on & went off & I followed
 back to then to his ~~his~~ ~~ass~~ - Wilson
 said in return came back & get some
 beer - said Gault continued to
 roll all the way to his ~~his~~ ~~ass~~ -
 After getting on his horse he put his feet
 in the straps above the ~~straps~~ - Gault
 rode about one mile to where he was found
 dead -

Cross Examination: - It was a very hot day - I could
 hardly stand the heat - as I went to my father's
 through the heat - He ^(Gault) did not appear to be
 hurt any except a scar on his ~~back~~

the eye - he was riding a very large horse
 & went off in a trot - I did not see Wilson
 hit him but one lick - I was present all
 the time - Wilson had the heavy end of the
 vessel in his hand - was made of pine -
 three & a half feet long - Wilson was pulling, Wilson
 leapt & thinking that ~~was the~~ he kicked
 at him with his toe - think he could barely
 hit him - as witness tumbled him
 Gauley out of shop he kicked him
 behind - Gauley was very successful
 in witness shop - ~~with his~~ - to
 all of us in the shop - I had ordered
 him out of the shop twice & he would
 not go - I saw Gauley in my neighborhood
 one or two times & ^{he} was drunk each time.
 I am to understand John Barry when
 to before me this

5th day of August

A.D. 1857. H. M. Parker

Justice

I M Cooper M. D. upon oath says -
 The man Gauley was very much deformed
 & ~~in~~ in such a state of decrepitude
 that I could scarcely tell whether
 he had received bruises or wounds on
 his back - on the right eye - found
 a longitudinal wound it must have
 been inflicted by a very heavy blow
 or a fall from some height - or horse
 - a horse would be high enough to

instance if he had fallen on a rail or stone.
 I found no fracture of the skull - Examined
 the internal organs - I as far as I could
 see or judge - from the advanced stage
 of the decomposition - there was no
 evidence of disease present - that
 would give rise to sudden death.
~~Could not say whether the wound over the~~
~~eye caused death or not - might or~~
~~might not cause death.~~
 Cross Examination:-

From the examination I could
 not tell whether he had died from some
 stroke or an Apoplectic fit.

Sworn to and subscribed
 before me this 5th day
 of August A.D. 1858

H. M. Paul

Justice of the Peace

L. M. Cooper

State of Missouri
County of Jefferson

State of Missouri
vs.
J. C. Wilson

Before H. M. Parker,
J. C. a Justice of the Peace,
within and for said
County, arrested on a
Charge of Murders.

Evidence for Prisoner.

On this 5th day of August, A. D. 1858, came, Robt. Hunt
of lawful age of said County, and being sworn
says; that about 14 days before the death of
Harter he Harter claped down in the field
& supposed to be Sam Stroke-

Case Examined;—

Sworn to and subscribed
before me this 5th day of
August - 1858.

} Robert Hunt

H. M. Parker

Justice

upon oath-says.

State

W3.

D. E. & Wilson

Aug. 5th 1858.

No order

D. J. Steeg

\$3.70

Countable Steeg

2.00

Witness "

Initial

\$2.50
\$8.20

Depose to M. Paul Lee
Dutton

State
 vs
 J. C. Willson } Refm Egan & M Parker
 a justice of the peace of
 Jefferson County
 Missouri

County of Jefferson }
 State of Missouri }

Fee Bill	
Affidavit & warrant	75-
Two subpoenas	75
Recognition of Prisoner	50
Administering oaths	50
Writing 1600 words	1.25-
Discharge	1.75-
Witnesses fees	
Michael Miller	75-
Elyuth Snyder	50
John Buegardner	50
D M Cooper	50
Robert Hunt	50

E H M Parker justice of the peace for said
 county of Jefferson hereby certify that the foregoing is a correct
 bill of the costs in the above case that the items therein
 charged are correct that the defendant was discharged
 it appearing to the justice that there was not a probable
 cause of guilt of defendant of murder as charged but there
 was a probable cause for said presentation E H M Parker
 Justice of the Peace

1708

State

as

W E Williams

Charges of Murder

Against the Parties

Practise