

Tefferson County Circuit Court
Case Files - Criminal
June 1844

Box 15 Folder 30

State

V.

Ginzler, Nickolaus

Murder

Victim: Hugh Hamel; Includes depositions
and Coroner's Inquest; Change of Venue

State of Missouri }
County of Jefferson }

On a post mortem Examination
of the body of Hugh Namel I find
a mortal wound on his right
temple consisting of a fracture of the
occipital & Temporal Bones &
also flesh wounds in many places
on the right side of his face
& head apparently inflicted with
some sized and heavy instrument
also a very severe bruise on the left
side of the head behind the ear

sworn and subscribed, Before me

this 2^d day of Feb^y 1864 }
Patrick Brown Jy } Wm. H. Dixon

Mr Rolf Being duly sworn upon her oath
says Between three and four o'clock ^{Hamill} ~~himself~~
and Nicholas Ginstler they came in and sat
down and talked ^{to} Mr Rolf ^{about} making rails for Mr
Hamill the first ~~one~~ I seen after the came out was
General running and Hamill after him then
Hamill followed to me and asked me where my
man was I said I do not no he is gone to feed.
then Hamill said he would like to kill me
when I would not tell him where ~~to~~ My husband
was Hamill was drunk running round the yard
the first I seen after was ~~the~~ Hamill lying
at the wagon all covered in blood

worn and subscribed before me
this 2^d day of February 1864

J^r Bygum of N

her
Margaret & Rolf
mark

State of Missouri County of Jefferson
Francis Clark being sworn upon
his oath says I came to the house
of Harmon Rolf about 6 o'clock on the
2^d day of Feb^y 1864 I seen Kinselar sitting
Beside Mr Hamill I seen him take something
in his hand and strike Mr Hamill in the
head Mr Rolf told him to quit and Nicholas
Kinselar said he would and got on his horse
and left and Hamill could not speak
Sworn and subscribed Before me
This 2^d day of Feb^y 1864

Patrick Byrne J^r Francis Clark

State of Missouri County of Jefferson
Mrs Clark being sworn upon her oath says
Mrs Harmon Rolf came to the field and told
us that Mr Hamill was killing Harmon
Rolf that they were fighting when she
left she said she was going to collect the
neighbours she said Harmon was in the
stable Harmon Rolf came ^{down} in about quarter
of an hour he said Kinselar and Hamill
was fighting and that Hamill could
not get up when he left him he said
Clark ought to go up but he would not
go near them any more
Sworn and subscribed Before me } Bridgett. Clark
This 2^d day of Feb 1864

State of Missouri County of Jefferson

Mr Harmon Rolf Being sworn Says Mr Hamill
Came to my house about three o'clock yesterday
him and Nicholas Genselar Mr Hamill said how
do you do I said very well then Mr Hamill
Walked in to the parash and Genselar also came
in Hamill asked my wife and daughter how
they were and shook hands with them I gave
Mr Hamill a chair and he sat down Hamill
and Genselar Commenced talking about Raising
horses Hamill said he could beat Genselar here
Genselar said he would ^{not} Hamill asked me If I
had any cards in the house I told him I keep
no cards then they both agreed to go over to
Mr Hamill's ^{store} and run their horses and have some
thing to drink Mr Hamill then asked me If I
would let him have little Whisky ^{I said} I do not keep
Whisky I keep a little for medicine I let him
have a dram and Genselar got a dram ^{also} then
they sat down after a little Hamill gets
up and takes off his Coat Cravat and Cap
and then said ^{which} he could beat any one in the house
I said Mr Hamill I want no fees and Behave
yourself Mr Hamill then said was I mad I said
no then Mr Hamill shook hands with me
and said I was as good a man as his Brother
then he said we are all good friends wont you
Come over and Make me a thousand Rails
I said yes Mr Hamill I will Make the Rails

and I will come over next Sunday morning
then Mr Hamill said I am very much
obliged to you I will give you twelve dollars
and fifty cents ^{a thousand} and Board then I said Boys
it is time to go home ^{I have to feed} Hamill said I don't
care to feed I went out to feed and left
Kinselar and Hamill in the house after
I went to feed I heard loud talking after I
came back from feeding I saw Kinselar and
he had Hamill on the ground and beating
him in the head with a stick of wood and
Hamill lying still I never seen Mr Hamill
saying any thing or doing any harm I laid
down my Basket and took Kinselar off Hamill
Kinselar had the wood in his hand I took
the piece of wood and threw it away I can
kill you ^{said Kinselar to Kelly} I went to Frank Clarke's about
nearly 1/2 mile when I came back Nicholas
Kinselar was still beating Hamill with a stick
in the head then I told Nicholas Kinselar
to quit and he said yes I got it done
then he got up and got his mare and rode
off Sworn and subscribed Before ^{Guarantee}
me this 2^d day of February 1864
Patent Byrne J P Menzies

We the jury having been duly sworn and
affirmed by Patrick Byrnes Justice of the
Peace for Merumeau Township County of Jefferson
diligently to inquire and a true presentment make
in what manner and by whom Hugh Hamill
whose body was found murdered at the house
of Harmon Wolf on February 2^d 1864, came to his
death after having heard the evidence and upon
full inquiry concerning the facts and a
careful examination of said body do find
that the deceased came to his death by
the hands of Nicholas Kinselar by violence
and that the said body has the following
marks and wounds one large wound on
his right temple several flesh wounds
in different parts of his head one sever wound
on the left side of his head behind his ear

We the jury find that one Nicholas Kinselar

was concerned in the said killing and murder
giving under our hands Feb'y 2^d 1864

John Mc Cook

W. Mc Shen

Jackson Owen

Clayton Timmerman

Madison McDaniel

Amuel Perry

Jurors

State of Missouri }
County of Jefferson }

Whereas information has
been given to the undersigned Justice that
the dead Body of Hugh Hannill who it is supposed
to have come to his death by violence has been
found at the residence of Herman Rolf there are
therefore to command you to summons six house
holders of said County to appear forthwith at the
said place where the said Body is now lying
then and there to inquire and a true presentment
make as to the manner and by whom the said
deceased came to his death Hereof fail not but
of this Writ and your service make me return
given under my hand this 2^d day of Feb^y 1864
Patrick Byrne J. J.

Senior

Mr. Michael

At Bristol

of Essex

At Westminster
of the Royal

James Clerk

I return the MS.

By announcing the

of

for your studies

Charles D. Apple

Original Papers of the
Singer of Hugh Hamill Secy

Decd May 29th 1864 C. H. Horney clerk

The State of Missouri
To the Sheriff of Jefferson County, Just-
ing-

Whereas information has this day come to me the undersigned justice of the peace, within and for Jefferson County Missouri upon the affidavit of Mary Hammel that one Nicholas Genseler at the State & County aforesaid on the 1st day of Feb'y 1864 did wilfully maliciously, premeditatedly and of his malice aforethought assault on Hugh Hammel and with clubs and rocks which the said Genseler then & there had and held in his hands, beat the said Hugh Hammel, did beat & wound giving to him the said Hugh Hammel in and upon his head several mortal wounds, of which mortal wounds the said Hugh Hammel did then and die - And that he the said Genseler beat the said Hugh Hammel at the County aforesaid, in manner aforesaid and wilfully maliciously, premeditatedly and of his malice aforethought did Kill Murder.

These are therefore to command you to take the body of him the said Nicholas Genseler and bring him forth with bring before me the undersigned justice ^{at my office in said County} to answer the said charge of murder and to be further dealt with according to law.

Given under my hand this 16th day of Feb'y 1864.

Patrick Byrne Justice of the peace

It will be apparent
to the authorities that
all these papers are
originals & will be
required on trial be.
from the Civil Court.
Hence we ask resp.
not fully that they
may be returned to
the Court when the
prisoner has been turned
over.

Arthur Brown
att. in chief of
the state.

Sheriff Fees \$1.00

I executed this writ at the county of Jefferson County Mo
State of Missouri on the 22nd day of March 1864 by
apprehending the within named Nicholas Gindler
& bringing him before Guillem Frasier Esq a
Justice of the Peace he being the nearest Justice

Jerome B. Dancer Sheriff

State of Missouri }
County of Jefferson } So.

Mary Hammon on oath states that
one Nicholas Genseler at the County and
State aforesaid, on the 1st day of Feb'y 1864
wilfully, deliberately, maliciously, premeditatedly
and of his malice aforethought did make
an assault upon one Hugh Hammon
in the peace of the State then there being
and with clubs and rocks which in the said
Genseler then and there in his hands ~~the~~
~~and there~~ had and held did wilfully, delibera-
tely, premeditatedly and of his malice aforethought
did beat & wound him the said Hugh Hammon
giving to the said Hugh Hammon in and upon
the head several mortal wounds of which he
the said Hugh Hammon did die. So
this affiant upon her oath aforesaid says that
he the said Nicholas Genseler, him the said
Hugh Hammon at the County aforesaid &
on said day in manner and form aforesaid
did kill & murder.

Sworn to & subscribed before
me Feb'y 16th 1864

Patrick Byrne J.P.

Mary Hammon
Mark

State of Missouri }
County of Jefferson }

Be it remembered that on this second day of February 1864 information having been given to the subscriber a Justice of the Peace of said County that the dead Body of Hugh Hamill supposed to have come to his death by violence had been found at the residence of Harmon Kolf of said County I issued a warrant or venire to Charles Dugge deputy Constable of merriam township in said County requiring him to summon a jury according to Law to appear forthwith at the above mentioned place to inquire in what manner and by whom the deceased came to his death at the same time issued subpoenas for Harmon Kolf Francis Clark and Mr Clark the said Charles Dugge Deputy Constable aforesaid at the time and place mentioned in said venire returned the same that he had summoned John Mc Cool Bernard Mc Mahen Jackson Owens August Gummerson Madison Mc Donnell and Samuel Perry as jurors to appear as therein required and also that he had summoned the said Witnesses thereupon the said jury appeared at the time and place mentioned and being duly sworn and impanelled, proceeded to inquire into the manner and by whom the said Hugh Hamill came to his death and the witnesses being sworn and their testimony reduced to writing and the jury have heard the same and carefully examined the dead Body the said 2nd day of February 1864 returned their verdict to me in writing as follows } We the jury find Hugh Hamill came to his death by violence by the hands of Nicholas Ginselar and that said Nicholas Ginselar murdered said Hugh Hamill I issued a warrant for the arrest of said Ginselar Whereupon I filed in the office of the Clerk of the Circuit Court the depositions of the witnesses and the verdict of the Jury given under my hand this 23rd day of February 1864 Patrick Byrne Justice of the Peace

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Samson Welch and Welch Henry Executors*
Henry Wickman

GREETING:

You are **Hereby Commanded**, That setting aside all *Patrick Byrne a trustee of the peace*
manner of excuse and delay, you appear before ~~our~~ *Circuit* Court for the County aforesaid, on the

23rd day of March 1864

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 *Nicholas Huey*

Defendant on the

part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

27th day of *Mar* A. D. 1864

Elias Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

Jan, 186

State
vs
Nicholas Gunzler

Sheriff Hen B B

I, John Lee, this day, in the presence of Henry Wadsworth, Sheriff of Jefferson County, Kentucky, and Henry Wadsworth, on the day of March 1864, by receiving the same in their presence and testimony, do hereby certify that the same were found

James B. Danner, Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Norman Ralph, do.

vs. H. Ralph, do.

Indictment against Norman

GREETING :

You are hereby commanded, That setting aside all *which require assistance of the peace* manner of excuse and delay, you appear before ~~our Circuit Court~~ *before said* for the County aforesaid, on the

23d day of March 1864 at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in ~~our said~~ *before said* *Justice* Court, wherein

Plaintiff and *Shelton* Defendant on the

part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

22nd day of March A. D. 1864

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Jan, 1866

State
vs
H. G. G. G. G.

Shaw's Dec 11 2, 50

I, expected to have been in St. Louis
on the 11th of January. I have been in
St. Louis since the 11th of January. I have
been in St. Louis since the 11th of January.
I have been in St. Louis since the 11th of January.

They left St. Louis on 11th

James D. D. D. D.

State of Missouri
County of Jefferson

Be it remembered that on the 24th day of March 1864, Nicholas Gungler, of said County, was brought before Sullivan Frazer and Wm. McKee two good Justices of the peace within and for said County, ~~who~~ Charges with the murder of one Hugh Hammett, and the said Justices of the peace, after hearing the evidence for the State and for the defendant, ordered that the said Gungler enter into a bond to the State of Missouri for his appearance before the ^{Circuit} ~~County~~ Court in the sum of two thousand five hundred dollars, and whereas after words to wit, on the 24th of March 1864, the said Nicholas Gungler applied to the Honorable G. J. Johnston Justice of the County Court of said County for the benefit of the writ of Habeas Corpus, and that the said G. J. Johnston ~~Justice~~ after hearing the defendant's ~~petition~~ prayer for relief, ^{and the} ~~orders~~ ^{evidence} and decrees that the said Nicholas Gungler enter into a recognizance for his appearance before the Circuit Court ^{of this County} at its next term in the sum of two thousand dollars, ~~Therefore from all and sundry the~~ Therefore be it remembered that on the 24th of A.D. 1864, Nicholas Gungler, principal,

as sureties, personally appears before within and for said County and acknowledges themselves to owe to the State of Missouri the sum of two thousand dollars, to be levied of their goods and chattels, lands and tenements, if the said Nicholas Gungler shall fail in the condition underwritten

State of Missouri
County of Jefferson

Know all men by these presents that on
the 10 day March 1864,

State of Missouri

George W. H. H. H.

George W. H. H.

1864.

State } Preliminary Trial before
 Nicholas Inseler } Sullivan Hogan & Wm
 Mockher Justice.

Mrs May Hammel - Hugh Hammel was my husband. I was sent for about 8 o'clock on the night of the 2nd of last July to go to Mrs Mrs Rolf's - I went. When I went in my husband Hugh Hammel was ~~stretched~~ stretched on the floor dying - was all over covered with blood - his clothes were bloody. There were several wounds on him. His right ear was all beat off except a small piece at the lower end. There was a hole in his head that I could lay my fist in. There was one large cut across his forehead which looked like it had been done with a knife - This cut did not look like it had been done with a rock. There were several other cuts from his forehead up - but I do not know ^{how} many of them. Mr. Hammel spoke to me - he called me by my name & asked me if I wouldn't give him a drink. One of his eyes seemed to be out it was all black. The backs of his hands were all marked up - looked as though he had tried to save his head. He held no conversation till he died - he died between 7 & 8 o'clock in the morning following. Out at the wagon there was blood from the wagon to the creek - there had been rain. There was a large flint rock lying near by with hair

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blood all over on all sides - there was
flesh also on it. There was lying near
the wagon - there was blood & hair on
the stick also. the stick was about 8 inches
long & about as broad as my hand.

Examination.

I found the stick at the wheels of the wagon
this wagon was at Harmon Ralps. near
the fence. My husband left home on
Monday morning to get some shoes fixed
for the children. I next saw him at Ralph's
Ralph does not live directly on the road
leading from my house to the Shemmer,
Bedank a little once in a while - but
very seldom. Found no ^{stitch} or deformed at
Ralph.

her
May x Heamond
mark

Sworn to & subscribed before me North
23rd 1864 Sullivan, Hayes's Justice

Harmon Ralph being sworn on the part of
the State deposes & says. I live in Jefferson
County. I lived about 2 or 2½ miles from
Hugh Heamond - Mr. Heamond came to
my house about the first of Feb'y last.
Nicholas Griseley came with him - no
one else. Nicholas Griseley is here dis-
(jointed out by witness). They told ^{me} they
came from the store but did not tell
him what the came for. They came
into the house - Mr. Heamond said hellos

how goes it? I said "good". Mr. Hammon took the girl by the hand & laid his arm around her neck - she told him to let her alone - This took place on the porch - They then went into the house - & took chairs.

Hammon, Gracie ^{my wife} - my children & my step daughter ^{the eldest is ten years old} - Hammon asked for some liquor, because he said he was sick but I told him I had no liquor. Hammon then begged for some whiskey & I had a little which I kept for medicine & I gave to Hammon. He took a dram & handed the bottle to Gracie who also took a dram. Mr. Hammon then asked for a pack of cards - I told him I had none - He & then went to the girl & wanted her to play cards with him - My wife said she wanted to have rest & wanted get shut of Hammon. Mr. Hammon made a bargain with me to make 1000 rails for \$1200 - My wife attended the contract. After this my wife went off to feed the sheep - the girl & the three children went with my wife to feed. I staid. Mr. Hammon took his coat off - also his vest - cap & comforter & sat down where he was before - Mr. Hammon said he could fight every body who was in the house - I stood up & said I will have no quarreling in my house - Hammon then shook hands with me & begged pardon for hitting him on the shoulder - Hammon sat down. He put his vest on but

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nothing else. I started out to feed Ham-
mel come after me & caught ^{me} by the
breast. I went on to feed Hammel
let me go. When I came back from
feeding I found Hammel & Sept about ten
or 12 yards from the house at the ways.
Hammul was lying down. I was too much
scared - I could not look very ^{much} - I did
not take hold of Inseles. I went to Frank
Clarke's after help. Clarke about one
quarter of a mile from me. Clarke
& his wife came back to my house. I
went first - they came afterwards. They
were behind me about 40 steps when we
got the wagon. I found Inseles by Ham-
mel. Inseles was on his knees. Ham-
mel was lying still on the ground.
I cannot tell whether he struck Inseles
~~or~~ Hammul or not. I asked him what
he was doing - I can't tell what he said.
He then went off. Hammul did not
go off. There was right smart of blood.
He was cut about the forehead & head. His
ear was cut. McBeale came & said
that I must take him in my house
& I did so. He died next morning. I
saw a small stick & also a rock
there was blood on this stick & rock.

Cross Examination

Hammul said he could not fight any
body in the house -- did nothing to Inseles.
He did not use any violence towards

my wife - Can't say that he had any pistols. never saw any Knife or pistol. Both of them were tight when they came there. Mr. Hammel was a large man. They were friendly. I did not see the commencement. I did not strike Hammel - I saw no pistol or Knife on Hammel. I saw no wounds on Grisele when he went away.

Chambers Wenzel

Sworn to & subscribed before me March 24
1864. Sullivan Tanager Justice

Mrs. Budget Clark being produced sworn and examined on the part of the State deposes and says I lived 2¹/₂ miles from Mr. Hammel - I live about or nearly half a mile from Mrs. Rolf's. About the first of February last Mrs. Rolf, his wife & daughter came over to my house - The wife & daughter came over first. They asked me & Frank Clarke to go to Rolf's house - We went. Mr. Rolf also went back in company the most of the way. When I got up to Rolf's I noticed Grisele going from Hammel towards his horse. Hammel was lying on the ground a short distance from the front fence - His head was lying on the curb of a wagon wheel. Rolf was in front saying nothing was said to Grisele it was said by him. Grisele got on his horse looked back at us & then galloped off. One of Hammel's

mil's hands was lying under his head. He was lying on his left side. He had a cut across the forehead two inches in length. He was cut across the top of his ^{head} apparently from one side to the other. His right ear was beat more like sausage meat than any thing else. His ear was literally gone except a small piece.

The wound at his ear was nearly as large as his my hand. I saw a large rock picked up a small ^{distance from the} wagon which would weigh 5 or 6 pounds was all bloody. There was also a stick there which was bloody. The wound on his ear looked like it had been washed. The wounds on his forehead & head looked like they had been done with a clean edged weapon.

Examination:

Ginsler rode off with his cap on. I am positive he wore his cap off. I am as positive about that as I am about other things. When he got off a little piece he threw his cap away - & it was brought back to where Hammel was lying. His saddle & his shoe were brought back to Ralph's house that night. I did not see Ginsler throw away his cap - all I know is he had it on when he left & it was brought back that night.

Bridget Clark

Sworn to & subscribed before March 24th 1864.

Sullivan's Justice Justice

Frank Clark being sworn says that I have about or nearly half a mile from Ralph's house. About the first of Feb'y 1864 Mrs. Rolf then husband

came to my house & requested me to go to Rolf's
with them. I & my wife Bridget Clark went along.
When we got up I saw Hammel lying on
the ground & Inseles by his side sitting down.
I ^{2 days} Inseles strike him I think on the head. I
could not tell what Inseles had in his hands.
I heard Heaman Rolf say to Inseles to quit
that day. Inseles said "I will leave now" & he
left. Hammel could not speak & could hardly
move - he was all covered with blood. When
I sat up I saw a large rock all bloody lying
near Hammel - It would weigh 3 or 4 pounds
or may be more.

Examined
I saw some horses at the fence - Inseles got
on one of ^{the} horses. Hammel was lying about
5 or 6 yards from the fence & the fence was
5 or 6 yards from the house. The horses
were hitched near by. I don't tell exactly whether
Inseles' horse was hitched or not but Inseles'
~~horse~~ horse was at the fence - he heard someone
at the fence. When Rolf spoke to Inseles ^{he spoke} in English.
I think I was about 25 or 30 steps from Rolf when
he spoke. Rolf went up close to Inseles
& told him to quit that & go off - that he had
more help. I always found Inseles a nice man.

Examined -

Inseles rode off in a trot. Francis Clark?
Sworn to & subscribed before me March 24 1864
D. Sullivan Justice

Bernard McMahon being sworn on the part of
the State says that I saw Hammel at Mr. Rolf's
house about 1st Feb'y 1864. Mr. Hammel
was lying on the floor - next day Dr. Dixon

Came & held a Post Mortem Examination over the body of Hammul who died in the morning. I took his clothes. Hammul's ear was all beat off except a small piece - Right above the ear the flesh was all beat off - his skull was cracked & we could see the cranium. This wound was about the size of the Palm of my hand. The skull was naked for a space as large as the Palm of my hand. The skull was broken in about the size of half a dollar. We could see the brain work. There was a wound commencing on the lower part of the back of the head & run forward - this wound was not mashed but seemed to a clean cut. It was cut to the skull. There was another cut across his forehead about as long as my fingers. There were three other cuts on the left side of the head. The right ear was the one that was beat so. There was a severe bruise under the left ear. His left eye was swollen very much - was black & closed up. There was a flesh wound (a bruise) on his left shoulder. His hands were all bruised & were all black. The ^{three or four spokes of the} wagon wheel was all covered over with the blood up to the hub. I got them before Mr. Hammul died. He died the next morning. Mr. Rolf showed me a stick & a rock. The rock will weigh 6 or 7 lbs. The rock is rough but nearly square - The rock was covered with hair & blood. There was some bits of flesh stuck in the holes. The stick was from 9 inches to a foot long. This seemed to be a chip - it was flat. Thicker on one side than on the other.

Cross Examination.

The wagon was on the chip pile - Saw no signs of a scuffle. Mr. Hammill was a very fine man - drank a little some times - was not quarrel some when drunk that I ever heard of.

Barney McKatton

Sworn & Subscribed before me March 24th 1864
Sullivan & Traeger Justices

Nicholas Griseles the Prisoner after being informed of the nature of the charge & that he is at liberty to answer or refuse to answer any question put to him - made the following statement.

About ten o'clock on Monday, the 12th Feb. 1864 I went to Ditmes's store - found Mr. Hammill there & two or three others - ^{we} were (Mr. Hammill & myself) were friendly at the store - When I started home Mr. Hammill & Luke went a piece of the way with me - When we got out on to a road Mr. Hammill asked me if I would run a hundred dollar race with him. I told him I could ^{not} do it - I was poor but he was better off & could risk it - He kept asking me for the race but I backed out. I finally told him I would let a gal. of whiskey or a gal. of beer & we would run from Mr. Daniel's store to his house - He said he would not bring his horse out for that - So I told him I would back out. We came to the fork of the road - I told him we would have to part - Luke then said it would be a better road for me to go along with him to Hammond - so I went with them

So when we came to the other fork I told
 Hammul I would take one road & he would
 take the other. He said I can go home clear
 home with you so he came with me.
 We went to Harmon Rolfe. I told him I would
 have to go in the said he would go in too. We
 went in & were treated well. Mrs. Rolfe gave
 me 2 apples & gave him 2 apples & told us
 to take them home to our children. He
 asked why I did not eat my apples. I told him
 I intended to take them home. He then threw
 me down his & told me I must eat it.
 I told him I would have to go home to my
 wife. He said let her sit-titch. Hammul
 asked Rolfe for some whiskey. Rolfe said whiskey
 is tolerably dear. I have some in the house
 for medicine. He gave me & Hammul
 a dram. He then asked for a pack of cards.
 Rolfe told him he had no cards. Hammul
 got up & went to Rolfe & struck him on the
 shoulder. I stood up & said to Hammul
 I told him that was not the way ^{to do} - we
 came in peaceable & I would like to go
 out peaceable. He then threw off his
 coat, his vest - & said he could whip me
 too. I told him I was not the man for him
 & he would not make him a big man
 if he did whip me. He sat down & was
 peaceable with us all. He asked Rolfe
 to make him a 1000 rails. They made
 no bargain. If he could make him the
 rails he was to send Hammul word the
 next Sunday. Hammul then jumped up & I
 saw he got mad again. I intended to raise a fuss

in the house. I told Harmon Rolf to make
 500 rails & I would go in with him - Rolf
 said nothing. Hammel jumped up & went
 to the door & said I have a six shooter & a disk
 & I can cut the last throat of you all in
 this house you damned Dutch devils
 I am done with you I will go on to Dutch
 Creek & cut the last throat. He caught
 Harmon Rolf by the throat - I did not say
 a word - Harmon got loose from him
 & ran off - Mr. Hammel stepped out at
 the door also on the porch. I went out
 too to try to get home. Mrs. Rolf then said
 to me to stay a couple of minutes to try to get
 that man away. I went to Hammel
 & told him to come along home &
 not bother the people there. ^{I said I} am
 in possession of this place & I can do
 as I please & I intend to kill you - He
 then struck me on my right shoulder blade
 with a rock - I was then in the house - I
 went nearly to my cutter to go home - I
 heard the children & all a hollering - He had
 the woman down by the throat. I went to them
 & escorted them & then ran - We went down the
 hill a little piece - I asked the ^{man} woman to send
 a boy for my horse & she said she was afraid
 to do so, for fear Hammel would kill
 them all - I got in two steps of my cutter myself
 & Mr. Hammel was right close to me -
 I turned around & he struck me on the forehead
 & I had a pretty big hole afterwards - We got
 to fighting together - When we first fell on the ground
 he said if I were a copperhead or a seech - I
 told him no I was a Union man - Then I am

going to kill you right here - then I did the best I could do to protect my own life - I thought I was actually in danger - I did not see any knife in the fight - Hammon followed me to the top - I got as my horse went off. I went over to French city & gave myself up.

Nikolaus Ginzler.

Mrs Rolf being sworn on the part of the defendant deposes and says I live in Jefferson Co. I knew Mr. Hammon - I know Sept. They came to my house together about 3 o'clock this year in February, or last of January. They were drunk. He asked my man for a little whisky - My husband said he did not keep any whisky only for medicine - & Hammon said he wanted some of that. My husband gave. Imield & Hammon a dram - Hammon wanted to play cards - & my man told him we had no cards in the house - He then said to my gal to come on & play cards with him - He took my gal in his arms a jumpy little with her - I told him I did not like that - I & my children & the girl went out to the stable - we shucked corn & fed sheep - then it was feeding time - I sent the boys over to the house to tell my man it was feeding time - They went to the house & told my man - I went out of the yard from the horse stable to look for wood - The children told us that they talk so foolish in the

house - not to go back. Inseles came out of the house & Hammel after him. Inseles jumped over the fence & Hammel went back. Hammel hollered for my man. I killed. He said he would kill all the Dutch on the creek. He said to me where is your man. I said he has gone to bed I believe. He said if you do not get your man I will kill you first. He then came to me & caught me by the neck. My gal came & Mrs. Inseles came ~~she~~ helped me to get his hands off. Inseles said you must not put your hands on this woman. Mrs. Hammel then jumped after Nicholas & Nicholas ran off. Mrs. Hammel came back to me & I said to him I was a good friend to him before he did that. I & my children ran away to my neighbors. Mrs. Nicholas came to us on the creek. He then said to my boys to go & bring his horses to him. I then said no no they can't do that. Mrs. Hammel will kill them. Mrs. Inseles then said I will go myself & get my horses & go home. I went to Frank Clark told him to come over that Hammel was about to make a deal. When Hammel ran after Inseles I did not hear him say anything. When he caught me he was made. He did not hurt me much. Saw no knife. When I got back to the house it was all over. Before I went home from Clark's I went by River. I saw no fight. Cases examined.

The stable is about two steps from the house. I left my husband in the house when I went to bed.

I staid a good while at the stable before I went
 sent for my husband to come & find ^{the entry} It
 is more than fifty steps down from the stable. The
 back of the house is towards the stable. The
 horses were hitched at the back of the house.
 I think my man was ^{the field to go to} in the field when Ham-
 mul took me by the neck. My man was
 in the field over the hill - After I left the
 house I was not back until it was all
 over. Ham mul told me if I did not
 tell him when my man was he would
 kill me first. It was about 50 steps from
 the stable to where Imielew came to me in
 the creek. They were good friends the last I saw
 of them. I saw no fight saw no pistol or
 knife. Mr. Ham mul was so drunk he
 staggered - both staggered Mr. Ham mul
 was a heap bigger than Imielew. I
 am certain I left before my man left ⁱⁿ the
 house when I left to find. I saw the horses
 hitched at the gate. One horse was on one
 side of the gate & the other on the other side.
 In going from Clerk's to Rolf's you would
 come to Ham mul's horse first.

Margaret ^{her} Rolf
 mark

Sworn to & subscribed before me March 24th 1864
 Sullivan Herries Justice

Anna Tesken being sworn on oath states that I am
 a step daughter of Rolf - was at Rolf's about first
 Feb 1864. about that Imielew & Ham mul came
 to our house drunk & were good friends together.
 Ham mul asked for whiskey - father had a little

she gave Hammul & Inisela a drink.
 Hammul wanted me to sit beside him
 a play^{card} Mother & I went to the other yard - While
 down there at the stable I saw Inisela running
 out of the house & Hammul after her.
 Hammul had nothing in his hands
 they ran to the road - & Hammul came to
 where I & my mother were. Hammul said
 he would kill all the Dutch on the creek
 & said to my mother if she did not get her
 man he would kill her - He went to
 my mother & caught my mother by the
 neck - My mother said I am a good friend
 to you, what makes you do that? Inisela
 came up & helped mother loose - I also
 helped & I do not know what Hammul said
 to Inisela but ^{he} went towards him. Inisela
 ran & Hammul after him - Hammul
 could not catch Inisela she turned & came
 after us & we ran off to Clark's. The last
 I saw of Hammul he was running after us.
 When we got to the creek Inisela was down there
 she asked the boys to go back & get his horse &
 my mother said no Hammul will kill them.
 I do not know where Inisela went to - I do
 not know who got Inisela's horse - I did not
 see Inisela any more that day.

It was about 50 or 60 yards from the house when
 Inisela came to us at the creek. When we
 got back home I did not find Inisela there.

They were riding when they came to our house.

Cross Examined

Mother, I & the children went to the stable I left
 father, Inisela & Hammul in the house.
 The stable is 10 or 12 steps from the house

We went to feed the horses & chickens -
 Mother sent the boy to the house to tell father
 it was time to feed. We were down at the
 stable about one hour before Mother sent
 for father. After Mother & I went to feed
 I did not see father any more till I
 went to Clark's - Father had to go to a field
 over the hill to feed - The house cannot be
 seen from the field - After my father went
 away to feed no one was left at the house
 but Hammel & Imiele - After the boy
 came back told us father was going to
 feed. Imiele & Hammel stood at the house
 one half hour before they came running
 out of the house - Hammel did not
 strike Imiele - The stable was at the
 back of the house & the field father went
 to was in front of the house - When Imiele
 & Hammel came running out of the
 house - Imiele ran to the middle of the
 road & Hammel came on to us -
 When Imiele got Mother loose from Hammel
 he ran to the right of the road & Hammel
 after him - Imiele ran about 40 steps. Ham-
 mel ran about 20 steps - then Hammel
 came to us again - we then ran off & he
 followed us - The last I saw of him he
 was running after us - When Imiele
 met us on the creek he stopped & talked
 to us - Hammel was then up at the house
 I said a while ago that Hammel was
 running after us the last I saw of him -
 I saw Hammel go back to the house -
 I did not strike Hammel with any thing

17
That day.

Anna Gerke.

Sworn to & Subscribed before me March 24th 1864
Sullivan Frazer Justice

State of Missouri }
County of Jefferson } I, S. Sullivan Frazer
a Justice of the peace within and for the town-
ship of Central in the County of Jefferson
aforesaid do hereby certify that the above
and foregoing is the evidence in the case
wherein the State of Missouri is plaintiff
and Michael Ginsler defendant given
under my hand this 26th day of March 1864
Sullivan Frazer Justice

State
or

Recluse Smiles

Prosecution for
murder.

Evidence -

State of Missouri }
County of Jefferson }

Be it remembered that on the 24th day
of March 1864 at the County aforesaid, May
Hammond, Harmon Rolf, B. McMahon
Frank Clark, & Bridget Clark came
before me a Justice of the Peace of the
County aforesaid in this proper persons acknowledged
themselves indebted to the State of Missouri
in the sum of one hundred dollars
each to the ~~benefit~~ void of their respective
goods & chattels lands and tenements
upon Condition that if they every one
of them shall personally appear before
the Circuit Court on the first day of
the next Term thereof to be holden for
the County aforesaid then and there to testify
and give evidence in behalf of the State
against a certain Nicholas Triseler on
a charge of murder where with the said
Triseler is charged and shall not
depart the said Court without leave
then this bond shall be void but if
should any one fail to appear as aforesaid
this bond shall remain in force
as to the one not appearing but the property
of the others on this bond is not to be liable
for any one's default except his or her
own atest Wm. Hockett May Hammond

Frank Clark
Bridget Clark
B. McMahon
Bridget Clark
Frank Clark
B. McMahon

State of Missouri
against

Michael Heiler

Defendant
of Missouri
The County Court

Wm. H. H. H.

High Court

Francis Court

Shannon H. H.

Shannon H. H.

Shannon H. H.

State of Missouri

vs.

Nicholas Inseler

} On Writ of Habeas Corpus.

Upon the petition of Nicholas Inseler a writ of Habeas Corpus was issued dated March 28th 1864 directed to the Sheriff of Jefferson County Mo, which writ he the said Sheriff duly returned on said day by bringing the body of the said Inseler before me the undersigned Justice of the County Court of said County - upon a hearing of which writ it was adjudged by me said Justice of said Court that said Inseler give bond in the sum of Two thousand dollars for his appearance at the next Term of the Jefferson Circuit Court to answer the charge of Killing Hugh Hammond. And said Inseler is remanded to the custody of said Sheriff until said bond is filled & approved.

G. J. Johnson
County Court
Justice

2054

Walt

or

Wickles Inwell

Proceedings on writ
of Habeas Corpus.

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court June Term A.D. 1864

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 Nicholas Guenzler late
of the County of Jefferson aforesaid, ~~on~~ ^{on the first day}
~~the first day~~ of February Eighteen
hundred and eighty four, with force and
arms at and in the County of Jefferson
aforesaid, in and upon one Hugh Hamel
in the peace, then and there being, feloniously,
wilfully, deliberately, premeditatedly, and of
his malice aforethought, did make an ap-
parent; and that the said Nicholas Guenzler
a certain stone, which he the said Nicholas
Guenzler in his right hand then and there
had and held, to, against, and upon the
said Hugh Hamel, then and there felonious-
ly, wilfully, deliberately, premeditatedly and
of his malice aforethought did cast, strike
hit and throw; and that the said Nicholas
Guenzler with the stone aforesaid, so had
held and thrown by him as aforesaid, in and
upon the head of him the said Hugh Hamel
then and there feloniously, wilfully, deliber-
ately, premeditatedly and of his malice
aforethought did strike and wound, giving
to the said Hugh Hamel then and there
with the stone aforesaid so as aforesaid was
held and thrown in and upon the head of him

the said Hugh Hamel, three mortal wounds
each of the length of three inches and the
depth of two inches; of which said mortal
wounds the said Hugh Hamel from the said
first day of February Eighteen hundred and
eighty four, until the second day of the same
month of February in the year last of record
at the County of Jefferson aforesaid did
linguish, and languishing did live; on what
said second day of February, in the year last
of record, the said ^{Hugh Hamel} ~~Nicholas Guengler~~ of
the County of aforesaid of the said three
mortal wounds died; and so the jurors
aforesaid, upon their oath aforesaid, do say,
that the said Nicholas Guengler the said
Hugh Hamel in manner and form aforesaid
feloniously, wilfully, deliberately, premed-
-itatedly and of his malice aforethought
did kill and murder, against the peace
and dignity of the State of Missouri
Daniel L. Cook
Circuit Atty -

State of Illinois
no

Michael Cunningham

Testament for

Alfred

A fine girl
Alfred Stewart

Thomas

Walter

Bridge Clark

Yppvi Clark

Harmon Holph

Sam Crago

Margaret Holph

Feb 9 1844

E. H. Avery Clerk

The State of Missouri plaintiff
against

Nicholas Ginsler defendant

on this 23rd day of March

1864 Nicholas Ginsler was brought
before the undersigned Justice of the peace with
in and for the County of Jefferson Mo in this
Shore by virtue of a warrant issued.

from the office of Patrick Burn a Jus-
tice of the peace in and for said County
charged with the murder of Hugh Sta-
mmel me being the nearest Justice of
the peace William Mockhe a Justice of
the ~~peace~~ of the aforesaid County
and State being called in to assist in
the trying said Nicholas Ginsler the pri-
soner the cause coming on to be heard
after hearing the evidence in the case it
was considered by the court that the pri-
soner was guilty and it being a bailable
case and that he give ~~to~~ bond for
the sum of Twenty five ~~dollars~~ hundred
dollars for his appearance before the Circuit
Court at its next term the prisoner Nicholas
Ginsler failing to give bond the court issued
a warrant of commitment committing hi-
m to Jail Sullivan Krazies Justice
of the peace

State of Missouri }
County of Jefferson }

I Sullivan Teragies
a Justice of the peace, within and for
the Township of Central in the County
of Jefferson aforesaid hereby certify
that the above and foregoing is a true
and complete transcript of the case of
the State of Missouri against Michael
Grisler as the same appears in my
docket Sullivan Teragies Justice

Michael Grisler

State

Transcript

To the Honorable
one of the Justices of the County Court of Jefferson
County, Missouri.

The undersigned petitioner, Nicholas
Kengler would respectfully represent that on the 16th day
of February 1864, Patrick H. Byrne a Justice of the Peace
of said County, issued a warrant against your petitioner
charging him with the Murder of one Hugh H. Brumme
and that by virtue of said warrant, Jerome B. Weaver, Sher-
iff of said County, on the 22^d day of March 1864, arrested
your petitioner and brought him before Sullivan Frazer and
William Mockbee two Justices of the Peace of said County, for
trial. And on the 24th day of March 1864, a trial was
had before said Justices, against your petitioner, on said
Criminal Charge, and hearing the evidence in said ~~Criminal~~
Criminal Charge, the said Justices, made a decree or
judgment against your petitioner ~~and~~ requiring him to give
Bail in the sum of two thousand five hundred dollars, for
his appearance before the Circuit Court of said County to
answer said Criminal Charge. Your petitioner would
further state that the bail required by said Justices is
cessary, and that he being a poor man is unable
to give the bail required by said Justices, ^{that} and in consequence
of your petitioner not ~~obtaining~~ giving the bail required by said
Justices, ~~the~~ Sullivan Frazer one of the ^{said} Justices, did on
the 26th day of March 1864, issue a warrant of
Commitment and delivered the same to said Sheriff Command-
ing him to convey your petitioner to the jail of Saint Louis
County, to be detained there in the custody of the Keeper
of said jail (to answer said Charge of Murder) until
he be discharge according to law.

Your Petitioner states that
by virtue of said Warrant of Commitment, your petitioner

is now in the custody of ~~Sheriff~~ said sheriff, Jerome B. Dover,
restrained of his liberty and that said sheriff is about to
convey your petitioners to the common jail of St. Louis county,

Your Petitioner states the judgments and proceedings of
said Justice are illegal for the following reasons
to wit: That the evidence in said Trial was not sufficient
to ^{convict} him of the Charge against him.

2nd The Bail required by the said Justice, according to
the most unfavorable view ^{of the evidence} is excessive.

The Court thereon erred in requiring your petitioner to enter
into recognizance for his appearance before the Circuit
of said County, in the sum of twenty-five hundred dollars.
Your Petitioner therefore asks your honor to discharge
him or reduce the amt. of Bail required by the said
Justice so that he can be discharged from the custody
of the sheriff, & restored to his liberty to which according
to the facts and circumstances, he is justly entitled.

Your Petitioner therefore prays your honor your honor
to grant him the benefit of the writ of Habeas Corpus
directing the said sheriff requiring him to bring him your
petitioner before your honor forthwith to give him with
all the facts and circumstances touching his ~~imprisonment~~
imprisonment and the true cause thereof, that your
honor may without delay, do what shall then & there
be considered right and just, concerning such imprison-
ment, and restraint.

Your petitioner states that there is no
Judge of the Circuit Court within the County of Jefferson
aforesaid, at this time and that no application sought
sought for relief ~~has~~ sought herein, nor

been made to and refused by any ^{court} officer or officers
superior to the one to whom this petition is now addressed,
and that a copy of the original writ ~~is~~ ^{is} and all
the facts and testimony touching the imprisonment and
restraint of your Petitioner is herewith presented. He therefore
asks to be discharged on putting in proper bail.

Nicholas Gungler

Nicholas Gungler, the petitioner, makes oath and
says, the above petition ~~is~~ ^{is} the above petition
and is matters or sureties or states he believes to be true
Sworn before me this
26th day of March 1864 } Nicholas Gungler
Sullivan Hargis Justice
of the peace

State of Missouri
County of Jefferson

Before the undersigned Justice of the peace for said
County, Came, Nicholas Gangler, Wilhelmus Gungler & Charles
Dugge, George Dugge, John Ulrich & Aug. Drescher, John Lotterer, Andreas Dahn,
Peter Malsan, Earl Byrne, Peter Lamsfus, Beaumont May
and acknowledged themselves to owe the State of Missouri
the sum of Twenty five hundred dollars, to be levied of
their goods and chattles lands and ~~tenements~~ if ~~the~~
default be made, in the condition following to wit:-
the condition of this recognizance is such that if the above
bound Nicholas Gangler, shall personally be and appear before
the Cir. Court on the first day of the next term thereof
next to be holden in and for the County aforesaid, then and
there to answer a charge of Murder and abide the judg-
ment of the Court, and not depart without leave; then this
recognizance shall be void; otherwise, it shall be and
be in full force and virtue in law. Given under
our hands and seals this 11th day of ^{April} ~~March~~ A.D. 1864

Approved April 11th 1864
J. G. Gage, J. P.

Nicholas Gangler Seal
Wilhelmus Gungler Seal
Carl Dugge Seal
George Dugge Seal
John G. Ulrich Seal
C. Aug. Drescher Seal
John Lotterer Seal
Andreas Dahn Seal
Peter Malsan Seal
Earl Byrne Seal
P. Lamsfus Seal
Beaumont May Seal

State of Missouri
County of Jefferson }

This day personally came before the undersigned justice of the peace of said County Charles Dugge of lawful age being duly sworn upon his oath says that he is worth Two thousand dollars) also George Dugge of lawful age upon his oath says that he is worth three thousand dollars) also John Ulrich of lawful age upon his oath says that he is worth fifteen hundred dollars also August Flosche of lawful age upon his oath says that he is worth seven hundred dollars) also Peter Lampus of lawful age upon his oath says that he is worth six hundred dollars) also Earl Eym of lawful age upon his oath says that he is worth fifteen hundred dollars) also Andrew Dehn of lawful age upon his oath says that he is worth seven hundred dollars) also John Lotterer of lawful age upon his oath says that he is worth five hundred dollars) also Bernard May of lawful age upon his oath says that he is worth four hundred dollars) all state ^{that} they worth the sum opposite them after paying all just debts and liabilities

Subscribed and
Sworn to this 11th day
of April 1864

J. L. Slaze
justice of the peace

Carl Dugge
George Dugge
John G. Ulrich.
C. August Flosche
P. Lampus
Earl Eym
Andrew Dehn
John Lotterer.
Bernard May

J. G. Maylee 25-

affidavit 25-

This bond approved by
the Third day of April
1864

J. J. Johnston
County Clerk

Justice

Filed April 16th 1864
Clerk J. J. Maylee

The State of Missouri }
vs } Jefferson Circuit
Nicholas Guenzler Deft Court June Term 1864
Indictment for Murder
To The Hon. James W Owens, Judge of the
Ninth Judicial Circuit of Missouri.
The above named Defendant, Nicholas
Guenzler would most respectfully represent
and state to your Honor, that he has been
Indicted by the Grand Jury of the County
of Jefferson in the State of Missouri,
upon a charge of Murder, and that he
desires a change of Venue from said
County ~~to the County of Franklin in~~
~~said State~~ for the purpose of obtaining a
fair and impartial Trial of said cause,
and would respectfully ask your Honor
to grant him said change of Venue ^{as}
above stated for the following reason, "That
the inhabitants of the County of Jefferson
are so prejudiced against him that he
cannot obtain a fair Trial of his cause
in said County."

State of Missouri
County of Jefferson ss:

Nicholas Guenzler
Defendant makes oath and says that the
foregoing petition and the matters and

things as therein alleged and stated he
believes to be true to the best of his knowledge
and belief and farther, this affiant says
that he has just cause to believe and does
that he can not have a fair trial of his
cause on account of the cause as stated and
alleged in his foregoing petition.

Sworn to and Subscribed {
before me this 9th day } Nicholas Gunzler
of June 1864, "
Jas W Owens Judge

State of Michigan
vs

Nicholas Gruengler

Petition for a
change of venue
from Jefferson
County to Franklin

Filed Nov 9 1884
D. J. Hovey clk

The State of Missouri
against

Nichols Ginsler

Seahill Patrick Burns Justice	.50
Sullivan Frayies Justice fees swear wit	.60
Certificate to evidence	.25
Certificate to writ of Habeas corpus	.25
Reconissance of witnesses	.25
Warrent of commitment	.25
To writing down evidence for	
every hundred words 10 cents	\$4.00
~~Band for prisoner~~	~~.25~~
Transcript of docket & seal	1.00
Sheriff fees to Sulphur	\$7.10
for eleven witnesses	\$5.50
for serving warrent	1.00

Witness fees - Harman and Mrs Ralph	1.00
S. Clark and B. Bridgett Clark	1.00
Mary Hamel	0.50
Anna Ralph	0.50
A. Ulrich	0.50
H. Wideman	.50

I hereby certify that the above
is a true list of costs as the same are
on my docket this 9th day
of June 1863

Sullivan Frayies Justice

State

J. C. Cramer

See Bill before
Justice