

Jefferson County Circuit Court
Case File - Criminal
June 1864

Box

15 Folder 39

State
VS

Wittenberger, Sa fire

Burning pile of wood

Burned wood of John Huffman;
depositions

Commitment.

The State of Missouri, to the Sheriff
of the County of Jefferson, Greeting:

Whereas, Complaint has been
made before Me a Justice of the
Peace for said County upon the
oath of John Hoffman that
Sophie Wittenberger of the County
of Jefferson did on the 18th day of
May A. D. 1864, Wednesday, set
fire with his own hands Cord
wood, wood the property of John
Hoffman and did burn
to the ground same seventeen
Cords - and threaten to kill
Hoffman & his oxen - and
threaten to burn the balance
of Hoffmans Cord wood same
180 Cords - This was done in
Little Rock Township in Jeff.
Co. Mo. And whereas the said
Sophie Wittenberger was brought
before Me upon a warrant duly
issued upon the oath of John
Hoffman and has been ex-
amined by Me on such charge
and required to give bail in the
sum of Two Thousand Dollars
for his appearance before the
Criminal Court (Circuit Court)

of Said County on the first day
of the next term thereof which
requisition he has bailed to
comply with.

You are therefore Comman-
ded to receive the Said Joseph
Wittenberger into your custody,
in the Jail of the County
aforesaid; there to remain
until he be discharged by
due course of Law.

Given under my hand this
18th day of May A.D. 1864.

H. M. Parker
Justice of the Peace

I hereby authorize Charles Kohl
and Frank Spalting authorize
Lambert to deliver the within
named Prisoner to Dep. Sheriff May,
to be taken to & delivered to the
Jailer of Dep. Co. Nov. May 18, 1864.

H. H. Parker
Jailer of the same
— 4 —

Committal.

State

vs.

Joseph Wittenberger

for Prisoner and

Threatening to Kill.

May 18, 1864.

Sheriff Fees \$2.75

I executed this writ by taking Joseph Wittenberger
to St. Louis jail for safe keeping this 20th day
of May 1864

William Schnell
Jailer

THE STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

TO

*William Hallgren and
Harvey C. Ballan*

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for *Little Rock* Township, in the County of *Jefferson* on the *18th* day of *May* 1864, at the hour of *12* o'clock *P.* M., at his office in said Township, to testify on the trial of a case wherein *State of Missouri is* *Plaintiff*, and *Joseph Guittenberger is* *defendant*, on the part of the *State*; and of this you are not to fail at your peril.

Given under my hand, this

18th

day of

May

1864.

H. M. Carter, Justice.

I authorize J. D. Walters to execute and deliver
this writ - May 18 1874

To Mr. Parker
Exceuted the writ by reading the same to the
aforesaid named May 18th day of May 1874

J. D. Walters
acting clerk

SUBPENA.

State of Missouri
vs.

Sophie Wittenberger

vs. } Subpoena for

William Kattelman
Thos. C. Bolton

Justice

.25-

Court Fees

.50

THE STATE OF MISSOURI,

COUNTY OF

ss.

TO

James Wittenberger and John Hoffmann

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for *Little Rock* Township, in the County of *Jefferson* on the *18* day of *May* 186*4*, at the hour of *12* o'clock, *P.* M., at his office in said Township, to testify on the trial of a case wherein *Malcolm Muirau is Plaintiff* ~~plaintiff~~, and *James Wittenberger is Defendant* ~~defendant~~, and on the part of the *State*; and of this you are not to fail at your peril.

Given under my hand, this

18

day of

May

186*4*.

H. M. Parker

, JUSTICE.

Frank F. D. Wadles to execute and return
this writ - May 18 1864 to Mr. Parker D.

Executed the within writ by serving the
same to the within named this 18th day
of May 1864

J. D. Wadles
Clerk, Court

SUBPENA.

State of Missouri

vs.

Sapire Wittenberger

vs. } Subpoena for

Joseph Wittenberger
John Heppmann

Justice

Court

25
50

State of Missouri }
County of Jefferson } ss

Before me H. M. Parker a Justice of the Peace for said County of Jefferson personally came before me John Hoffmann who being duly sworn according to law, deposed that and said that on or about the Wednesday the 18th day of May A.D. 1864, in the County of Jefferson said Joseph Wittenberger did ^(guiltfully) set fire to seventeen Cords of Cord wood (dry) said wood was in piles from 1 Cord to three Cords in a pile. This wood is on Mr. Bollans Land and is dry wood in Little Rock Township in Jeff. Co. Mo. and this deponent verily believes and does know that said Joseph Wittenberger is guilty of the offense that deponent did see him apply the fire to said aforesaid pile of dry Cord wood & the said wood burnt up entirely. — I with the Deputys said. —

Sworn to and subscribed }
to before me this 18th day }
of May 1864 in Jeff. Co. Mo. }

John Hoffmann

H. M. Parker J.

State of Missouri } ss
County of Jefferson }

The State of Missouri
-and to the Sheriff or Constable
of Little Rock Township in Jefferson
County Mo.

Whereby Complaint has
been made before me one of the
Justices of the Peace in and for
the County of Jefferson Mo. upon
the oath of John Hoffmann -
That Sophie Wittenberger
of the County of Jefferson did
on the 18th day of May 1854.
at the County of Jefferson did
willfully set fire to Seventeen
Cords of Dry Cord wood
Said wood was in piles from
1 cord to Three Cords in a
pile This wood was on my
late farm (now Mr Bollas
Farm) Said 17 Cords were
totally consumed by the
fire applied to same by
Said S. Wittenberger
These are therefore to Command
you to make the said and
duly keep the said Sophie
Wittenberger & her heirs
have his body forthwith
before me to answer the Com-
-plaint and he further deli-
-ver with according to Law.

Given under my hand and seal
this 18th day of May A.D. 1864.

H. M. Parker
Justice of the Peace.

Execute the within writ by delivering
the body of Sophie Wittenberger within
named to Justice H. M. Parker this
18th day of May 1864.

J. D. Waters
Attorney at Law

State of Colorado
County of
Sophie Wittenberger
May 18-1864

At request of In the absence of the
Constable I authorize J. D. Waters
to execute & return this writ -
Jeph. Co. Mo. May 18/64 H. M. Parker
J. P.

Examination.

State of Missouri }
County of Jefferson } set

on this 18th day of May 1854,
came John Hoffman of said
County and being sworn says,
that Squire Wittenberger on the
18th day of May 1854 (Wednesday)
did set fire with his own hands
and on my late farm situate
in Little Rock Township in Jeff.
Co. Mo. set fire to seventeen
cords of Dry Cord wood
and burn the same to the
ground this I saw with
my own eyes - and that he
said Wittenberger still threatens
maliciously to burn all of my
cord wood some two hundred
cords & I verily believe that he
will do it unless he is con-
fined. - he also threatens
threatened to kill me and
my oxen - which I believe he
would do if permitted to go
at large -

Sworn to and subscribed }
before me this 18th day } John Hoffman.
of May 1854 }
J. M. Parker }
Justice of the Peace }

Thomas C. Bolton of Lumball age
being and sworn says, That he
saw Squire Wittenberg on the
18th day of May 1864, set fire to
Mr J. Hoffmanns Cord wood
situated on my Land - Some
seventeen cords of wood
was burnt up by said Wittenberg
before we could stop him -
Hoffmann has nearly two hun-
dred cords of wood on my
Land and said Wittenberg
said to me that he would
burn it all up - and if
I had not assisted to arrest
him I verily believe he would
have burnt all of said Cord
wood -

Subscribed & sworn to
before me this 18th
day of May 1864.

H. M. Parker
Justice of the Peace
H

Thos C Bolton

William Kutterson of Lumball
age being sworn says, That he
saw Squire Wittenberger among
J. Hoffmanns ^(Cord) wood while it was
on fire & that said Wittenberger

But he intends to burn the
Cores ^{wood} all up it - Some smaller
Cores of the upper wood may
be burnt by Sir Wittenbeyer.

Subjunctive & sum
to be for the this

18th day of May 1864.

H. M. Parke
Director of the Tax
#

William Scattelmax

Prisoners Statement.

Sapire Wittenberger the Prisoner
being examined without oath -
Says - I burnt some of Mr Happers
Cald^{wood} I do not know whether
it was 17 cords or not but had
I not been interrupted I should
have burnt all of his wood
up - had I a gun at the time
I would have shoot both of
Happers two fells of oxen -

Amos M. Hays

I certify the above to be the statement
made by the said Sapire Wittenberger
in my presence on the 18th day of
May 1864.

H. M. Parker
Justice of the Peace

No. 1

May 18-1864

State of Missouri
County of Jefferson
vs.
Sopire Wittenberger

Warrant issued the 18th day of May
A.D. 1864. upon the Complaint
of John Hoffman for the Crime
of Arson setting fire to 1st Corral
of Dry Creek road & consuming
the same on 18th day of May 1864.

Warrant return May 18th 1864
executed by hand of the
of the said Sopire Wittenberger
before the Justice

Where Justice having heard the
evidence, adjudges that the said
defendant give bail in the sum
of Two Thousand dollars to
appear on the first day of next
term of the Criminal Circuit Court
for the County of Jefferson Mo.
then & there to abide until dis-
charged by due course of Law.
And the defendant refusing
to give bail required the Justice
doth order that the said Sopire
Wittenberger be committed to the
Common Jail of said County
until he give said security or
he be discharged by due course

of Law.

The evidence in the case is
written and attached to this. —

Given under my hand this 18th day
of May 1864

H. M. Parker J.P.
//

State of Missouri }
County of Jefferson } J.P.

I H. M. Parker
a Justice of the Peace within & for Jefferson
County Mo. do Certify that the foregoing
Exhibits to be a full and true
and complete transcript of the
entire and proceedings in the
case of the State of Missouri vs.
Sapire Willenheyer as the same
are as recorded in my docket —
and that the books therein att-
ached are all the original papers
on file in my office.

Witness my hand this 18th day
of May 1864.

H. M. Parker
Justice of the Peace.
//

Fee Bill of Costs.

State of Missouri. *Pro.*
vs
 Squire Wiltonberger Deft.

Presented for Arson May 18th
 1864. Before H. M. Parker Justice.

Justice, Parker Fees	Affidavit	—	.75
"	"	State warrant	.50
"	"	2 Subpoenas	.50
"	"	3 oaths	.15
"	"	Writing Evidence	2.00
"	"	Rendering verdict	.35
"	"	Warrant of Commital	.75
"	"	Bond for Prisoner 1 day	1.50
"	"	Writing Bond	.50
"	"	Transcript	.75

Authorized
 Cause *"* P. O. Watley Fees Serving Warrant — 1.75
 " " " " 4 Subpoenas — 1.00
 " " " " Guarding Prisoner — 1.50
 Cause *"* Spalding & ~~Hottel~~ Taking Prisoner &
 Jail & guarding him 18 miles — \$ 8.00

58 00

over

Attorney's Fee	John Haffman	1 day	.50
"	William Kuttman	1 day	.50
"	Thos. C. Ballou	1 "	.50
"	Joseph Witherby	1 "	.50

Fees ————— Total **2.00**

I certify the above to be a correct
 Fee Bill in Bryan Case, May
 18th 1864 Dep. Co. Mo.

J. M. Carter
 Justice of the Peace

Transcript of

State of Missouri

— vs. —

Office of the Sheriff

Committed to Jail
for the Crime of

Assault

Before H. M. Parker
Judge

May 18th 1864.

Filed May 30th 1864

By J. H. H. H.

Seal

State of Missouri } In the Circuit Court
County of Jefferson } 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 Sofire Wittenberger late
of said County on Eighteenth day of May
Eighteen hundred and Sixty four, at the
County of Jefferson aforesaid - unlawfully,
willfully, maliciously did set fire to and burn
a certain pile of wood - said wood being then
and there the property of one John Huffman -
the same being of the value of fifty dollars
against the peace and dignity of the State
of Missouri

Doniel D Gale Circuit
Att. -

State of N. H.

John W. Adams

Not at all for
bearing with it
wood

A fine copy

Alfred Adams

Adams

with me

John W. Adams

Wm. Adams.

Charles C. Adams

Adams 10 1844
W. H. Adams

State
vs
S. Wittenberger

be the undersigned
physicians heretofore appointed by
the Court to examine the above
named Defendant and report to the
Court as to his Mental Condition

Respectfully state that we have
this day proceeded to examine him and
on such examination find that he is
and in our opinion has for some
time past been ~~and of~~ from some cause unknown
a Confirmed Monomaniac

John M. White
Fred. Bohl

I swore to and
subscribed before
me June 11th 1864

John L. Thomas
Notary Public

Attest

Notary Public

Deputy of
Physician

Filed Jan. 1864

State
vs.
S. Wittenberger

In Cir. Court June Term 1864

The Attorney for Defendant comes into Court & for plea in the above Cause says, he can not deny that Defendant burnt the wood, charged in the Indictment, but says that at the time he committed the act he was and still is incapable of crime by reason of insanity

Jo. J. Williams
Atty for Defendant

Wlat

5

Wullenberger

Neer

Hotel June 11 1894
E. H. Stoney & Co