

May 1866

State
vs

Scott, Joseph
Brown, husband

Grand Jurors -

Stole one sheep from Charles
Vinyard; defendants African American;
depositions

The State of Missouri to the Constable of Central
township in Jefferson County Greeting

Whereas C W S Vinyard of Central township, hath this
day given information upon oath, to me C H Bissett
a Justice of the peace within and for the County of
Jefferson, that on the 23rd day of April 1866, at
the township and county aforesaid, one Joseph Scott and
Lawson Brown, (colored men) ^{maliciously} did kill a certain sheep
belonging to C W S Vinyard.

These are therefore, to command you forthwith
to apprehend the said Joseph Scott and Lawson Brown
and bring them before me or some other Justice of the
peace of this township, to answer the premises, and further
to be dealt with according to law.

Given under my hand at Victoria in
the County of Jefferson aforesaid this 23rd day of April 1866

C. H. Bissett

Justice of the peace, Central township

In obedience to the within warrant
I did & execute the within warrant in
Central Township in Jefferson County
Missouri on the 23rd day of April 1866
by arresting the within named Joseph Scott
and Lawson Brown (Colored men) and deliver-
ing them to the within named Justice C. H.
Bissett at his office in Jefferson County Missouri

Signed,

John C. Pomeroy
Special Deputy Constable

State of Missouri
vs
Joseph Scott & Lawson Brown
warrant

Justice fee 35^{cts}
Constable " 1.50

In the absence of the Constable and at the request and risk of C. H. Bissett and
Santhorpe John C. Pomeroy to execute and return this writ.

C. H. Bissett

Justice of the Peace

The State of Michigan to Bruce May and
You are hereby commanded to be and appear before me
at 113 South one of the justices of the peace and Circuit
Court in the County of Livingston forthwith, at my
Office in District in said township, to testify on the
trial of a case, wherein the State of Michigan, Plaintiff
and Joseph Scott and Lawson Brown are defendants
in behalf of the Plaintiff, and herein fail not at your
peril.

Witness my signature this 23rd day of April 1882

E. W. B. Prescott
Justice of the Peace

I demand the author's subscription
in the County of Jefferson this 23rd day of April 1856

William F. Davis
Special Deputy Sheriff

James W. Davis
Cash 35^{cts}

Subscription

James W. Davis & Son

James W. Davis

State of Missouri }
County of Jefferson } This affiant C W S Vandy and
states that on or about the
23rd day of April 1866, Joseph Scott (colored man)
and Lawson Brown (Colored) feloniously killed a certain
sheep belonging to this affiant, in Centel township
Jefferson County Missouri and that he has reason to
believe and does believe that the above named Scott
and Brown did kill said sheep

Subscribed and Sworn to before
me this 23rd day of April 1866 } C W S Vandy and
C H Bissett }
Justice of the peace }

State of Wisconsin
no
Joseph Scott &
Lawson Brown

Attorneys at
Law

Perpetue per 38c

Evidence taken before C. H. Bessett J. P.
in Case of the state vs Joseph Scott and Lawson Brown
Colored men, charged with killing a sheep.

taken at Victoria Jefferson Co Mo. April 23^d 1866.

C. W. S. Vinyard, sworn, does not know any thing about the
case, but by hearsay, states that Muse Vinyard told him that
he found the skin of the sheep. states that the mark of the
sheep is the same as on some sheep he bought at his sons
sale, I attended and marked the sheep for my son, last spring
and then bought the sheep at the sale, has been about two weeks
since I saw the sheep, they do not run about my house, but
run round Charles Nelsons, and about there, about a mile from
my house, the defendants live about a quarter of a mile from
Nelsons, the sheep were in the habit of running in the range
near where the defendants live.

I have examined the hide of the sheep, and find that the throat had
been cut with a knife or had that appearance, when an animal
is caught with a dog. the hide will have holes in it, but the
flesh will have larger holes and is generally torn, and bruised
but a knife will make a smooth cut.

C. W. S. Vinyard
this hide has the appearance of being cut with a knife

Joseph P. Bessett, sworn, states after the parties were
arrested I went with Mr. Poons the Deputy Constable, to where the
sheep skin was, within about 150 yards of where the sheep lived
we found the hide behind a large fallen tree, partially covered with
ground, and appeared
light brown, the person took the hide and brought it over here

we took one of the drifts Scott, with us from Victoria to the place where we got the skin. Drift said they had covered up the skin to keep the dogs from getting it. Scott said the sheep was at the house he said the dog killed the sheep. that he did not kill it. Scott showed us where he said the dog caught the sheep, and there was tracks of dogs & sheep, it looked like there had been considerable tramping around, the tracks appeared to be fresh, made since the rain yesterday, the place where the prints were, was on the ridge, about 75 yards from where the hide was.

Doc Flesher

Silas Johnson, being sworn, states he has examined the skin and thinks the cuts were made with a knife, that the swallow was cut clear in two, that he thinks the cuts were made when the sheep was struck, the skin is the same one referred to by Mrs. Vinyard the head is still on the hide.

Silas Johnson ^{has} ~~mark~~ ^{Alton Coburn}

Mrs. Vinyard recalled, the state or cut is ~~close~~ to where the head & neck joins, and that the neck is cut some 3 or 4 inches back towards the ^{leaving} body, the head still ^{attached to} ~~remains~~ the skin.

Mrs. Vinyard being sworn, states, that he knows where the defendant's bin was at the house this morning, I was sheep hunting, and inquired of them about sheep. My sheep run in that range, they told me they had not seen any sheep to day had seen some yesterday evening. I went up above the house looking for any sheep, about 150 yards and found a sheep skin. this was this morning.

Defendant Scott states. That we was in the woods chopping and heard the dog barking, we went to see what was the matter and found the dog had hold of the sheep had the sheep down when I got there, I took a brush and beat him loose, I took Lawsons knife and cut the sheeps throat, we both started together, but I got there first, we were chopping about 100 yards below the house, we both helped to skin the sheep we carried the meat to the house, the sheep was dead when I cut his throat.

Joseph Scott ^{by} Mark

Defendant Brown makes about same statement.

I hereby Certify that the above testimony was given in the Case of the State vs Joseph Scott & Lawson Brown Colored men, and reduced to writing by me and signed by the witnesses.

C. H. Bissett

Justice of the peace
Central township

I found the sheep skin rolled up in a roll laying in a little ravine
I examined the skin & found the head. I looked to see if it was
mine, I found the legs & a hatchet rolled up in the skin.
I saw it was not in my mark, it was a smooth crop in the right ear
the skin was warm when I found it, it had not got cold
it was not covered up with any thing, I saw both the drifts then
I understand the drifts being there. The skin was 150 to 200 yards
from the house. I saw women & children at the house, colored children.
I did not see any thing of the body of the sheep.
I suppose it was ^{ten minutes} past eight this morning when I was there.
I made no examination of the skin only to see the marks.
I suppose the cuts in the skin were made by a knife.

Miss Bineywell

John C Pours. Sworn States.

I arrested the defendants
to day 23rd inst, I found them at the place where they live.
I found the defendants, then, I brought them to Victoria.
I took one of the drifts back with me to search for the
sheep skin, I found the skin entrails and all, it was
covered up under a log, with dirt and had brush piled over it
it was buried at least a foot in the ground.
it was between 12 & 1 o'clock when I found the skin.
I inquired where the body of the sheep was and they told me it
was in the house, I made the drift go and show me where the
sheep was killed, there was sheep tracks and track of a dog and
man tracks also, there was no blood where he showed me where
the sheep was caught, I looked very particularly, but did not see any thing.
after I got the skin, I went up the hill and saw tracks of sheep
and a dog, and also tracks of 2 men, they started about 20 steps

from the fence round the house, going toward Hillsboro
I tracked them to within 5 steps of where he showed me the sheep
was caught, ~~and that was where he showed me the sheep was caught~~
it was about 150 yards from the house,

I measured the tracks of the men on the hill

Both the feet of the dogs correspond with the measure of
the tracks I measured at the place.

They said that the dog killed the sheep this morning.
I asked them why they did not tell Vinyard that the dog killed the
sheep, that ^{said} they meant to tell him after a while, that they were not
close to Vinyard when he was there, that they were in the chopping
that the place was in Central township, Jefferson County Missouri

I went to the house where they lived. I called for the woman
named Elsie or some such name, she came out and I asked
if that was the dog that killed the sheep, she said she did not
know any thing about the dog killing the sheep. I asked if the
dog was in the habit of running after stock, she said not, unless
she set him on.

John C. Powers

State of Indiana
vs

Joseph Scott and
Lawson Brown } Colored men

Charged with Maliciously
Killing a Sheep
Before C H Bissett Justice of the peace
Central township

Amount of fees in above case

Justice fees.

Docketing case	10 ^c
affidavit	35-
Warrant	35-
Subpoena	35-
Swearing 5 witnesses	25-
entering evidence 850 words	125
Warrant of Commitment	35-
	<u>\$3.00</u>

Constable fees.

Warrant	1.50
Summoning 1 Witness	35-
taking prisoners to jail	2.00
Mileage 5 miles	1.00
	<u>\$4.85</u>
	<u>\$7.85</u>

State of Missouri
vs
Joseph Scott and
Lawson Brown } colored men

Transcript of Docket of
C H Bissett Justice of the peace
for Central township Jefferson Co Mo

Charged with feloniously and maliciously
Killing a Sheep, the property of C W S Vinyard,
Upon information of C W S Vinyard upon oath, that defendants
Killed his Sheep &c.

Warrant issued for their arrest, April 23^d 1866
and delivered to John C Power, Special Deputy Constable

Warrant returned executed as the law directs, and the
defendants, Scott and Brown, brought before me.

The evidence being produced, and reduced to writing by me
it is adjudged that there is probable cause to believe the
defendants guilty of the offence, and bail in one hundred dollars
each being required, for their appearance at Circuit Court at
Hillsboro on the second Monday of May next.

The defendants being unable to give bail, are committed to jail
Warrant of Commitment made out and delivered to John C
Power Special Deputy Constable.

I Certify that the above is a correct transcript
of my Docket in the above named case.

C H Bissett Justice.

State
or
Scott & Brown (Lovers)

Filed April 24 1866
Daniel M. Johnson

State of Missouri }
County of ~~Madison~~ Jefferson }

Jefferson Circuit Court

May Term 1866

The Grand Jurors of the State of Missouri with
in and for the body of the County of Jefferson
now here in Court duly impannelled sworn
and charged upon their oath present
that Joseph Scott and Lawson Brown
late of Jefferson County aforesaid on the
twenty third day of April one thousand eight
hundred and sixty six ^{with force and arms,} at and in the
County of Jefferson aforesaid unlawfully
and feloniously did steal, take and carry
away one sheep of the goods chattels and
personal property of Charles Vinyard then
and there being found and to him ~~belong~~
~~ing~~ the said Charles Vinyard belonging con-
trary to the form of the Statute in such
case made and provided and against
the peace and dignity of the State

David Murphy

2394

State of Michigan

by

Joseph Scott
and

James Brown

Grand Jurors

Witnesses

E. W. Singard

John E. Brown

Joseph P. Weaver

James Singard

Filed May 16 1866
Circuit Clerk

A true bill

John W. Sullivan

Clerk

X

State of Missouri
4

Joseph Scott &
Lawson Brown.

The Court instructs the Jury that
if they find & believe from the evidence
that the defendants did, in the County of Jefferson
within three years next preceding the time
of the finding of the indictment, feloniously
take and carry away the property
of Charles Burgard with the inten-
tion of converting the same to their
own use and to deprive the owner
permanently of the same you
will find the defendants guilty
and assess their punishment by im-
prisonment in the penitentiary
not less than two years nor exceeding
five years.

If the Jury have any reasonable doubt
as to the guilt of the defendants they will
give them the benefit of such doubt
and acquit.

Oh the poor find the distressed
bills, as charred in the indignity,
and also the Jewishmen ^{each} at two
years in the Conventary

J. S. Williams
of women

State of Missouri
vs.
Joseph Scott and
Larson Brown.

In the Jefferson
County Circuit Court
May Term 1866.

Now at this day
came the defendants and move the
court to arrest the judgment against
them in the above entitled cause, for
the reason, that the Indictment does
not contain facts, sufficient to con-
stitute the offense charged, in this
that it contains no allegation, of
the value of the property, with the
stealing of which these defendants
are charged,

Thomas J. Alvord
Atty for Defts,

Walter

Mr,
Joseph Abbott
and
Carman Brown

Prison for
arrest of
judgment

Filed May 17th 1866.
Dane & O'Byrne, Clks

State
vs.
Joseph Scott and
Lanson Brown

In the Jefferson Co.
Circuit Court
May Term 1866.

Now on this day come
dependants, and move the court to
arrest the Judgment against them
in the above entitled cause, for the
reason, that the indictment does
not contain facts sufficient to
constitute the offence, with which
dependants are charged, in this,
that no value of the property, men-
tioned in the indictment as having
been stolen, is alleged therein.

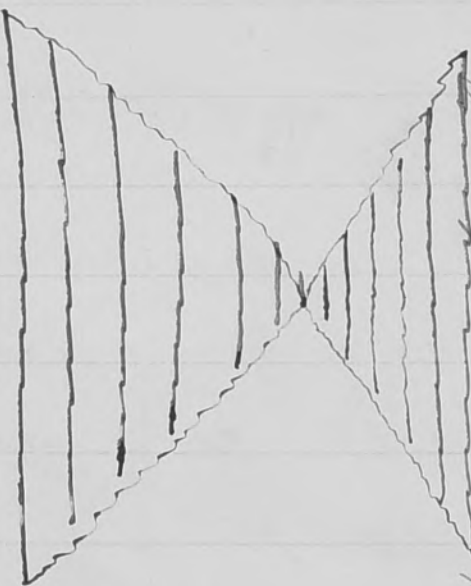
Thomas & Ahrens
Attys for defts

State

no

Jacobi Scott
and Lammie
Barnum,

Written for
Arrest of
Judgments



Filed May 18th 1866
Samuel H. P. by Clerk



Henry & Bryan
m^d McKe

W Williams

He Sellbros &

J. S. Purcell