

Jefferson County Circuit Court
Case File Criminal
May 1866

Box

17

Folder

39

State
vs

Yeth, George
Dierdelee, Mary
Yeth, Louise
Yeth, Emma

Grand larceny

Stole one heifer from John
Shwertmard; depositions

The State of Missouri To any Constable of any
County therein showing according to

Process from H. Jackson
that this day given information upon oath to me
Reed McCormack a Justice of the Peace within and
for the County of Jackson that on the 31st day of
March last past at the County of Jackson one Mary
Dierdick and one Louisa Belth and one Emma Belth
did sell one Bay Horse of the value of one hundred
and twenty five Dollars the property of the said John P.
Shellock. There are therefore to command you
forthwith to apprehend the said Mary Dierdick
and the said Louisa Belth and the said Emma
Belth and bring them before me to answer the
process, and further to do or do with according
to law.

Given under my hand, at the County of Jackson
this 3rd day of April 1866.
Reed McCormack J.P.

I corrected the within writ by having
the parties of the within named defendants
before the said justice.
This 3rd day of April 1866.

John W. Smith
Comptroller

Filed Apr 5 1866.
Comm. A. W. P. M.
W. H.

State of Missouri

Jamud, Delville

To John H. St. John, Esq. Clerk of the
Court, St. Louis, Missouri.

Yours are hereby commanded to be and
appear before the undersigned Justice of the
Peace in relation to the same in Jefferson County
Missouri to testify on a trial of a cause
wherein the state of Missouri is Plaintiff
and Maria Beth, Mary and Emma Beth
are Defendants. And hereof fail not at
your peril.

Given under my hand April 3rd 1860

Richardson

I deposited the within documents upon Lewis
Hindsmith's great Horsewhisker John McWhorter
James ~~McWhorter~~ Bellville James Owens and
John Dickler by Reading the same to them
this 30th April 1866 John G. Smith
Constable

Filed April 5 1866.
Jesse H. & J. H. C. C.

Mr John Decker being duly sworn states that he went in company with Mr Belville to see Mr Tullocks mare he found her entirely helpless in her hind parts she lived about one half hour after I got to her Mr Tullock and other men opened her we discovered a wound a deep cut or ~~wound~~ immediately under the root of the tail I have no doubt but this wound caused the mares death I am confident that the wound was not done with a common Knife.

sworn to & Subscribed before me $\angle$ John Decker
this April 4th 1866 Read & sworn to Jp

James Belville being duly sworn states that on Sunday morning April 3rd 1866 Mr Tullock came to my house to get me to help him work with his mare mare as she was down near Mr George Beths house we found the mare down & entirely helpless then I went back home and went back again to where the mare was after I went back to her the second time she lived about one hour & half we opened her and found her to have reced a deep cut or wound immediately under the root of the tail some 12 or 15 inches deep ~~the~~ she was full of Blood when opened I am confident the cut caused her death.

I do not consider that my property or my neighbors if those prisoners are allowed to remain among us I was Mr Constable Smith when he went to arrest the prisoners on yesterday we found a Knife or Saber in Beths house which seemed to have been fresh used and then greased & laid away I believe this to have been the instrument that Tullocks mare was killed with,

James Belville

Sworn to & Subscribed before me the 4th April 1866
Read & sworn to Jp

John N. Smith ^{high} Shery sworn states that some
three or four months ago I heard Mary Diederlee say
that John W. Tulloch and John Smeasmond should
loose four times as much as would pay for all
the trouble that her and George Beths Folks had
had on account of having them arrested for killing
John Smeasmonds heifer when I arrested them on
yesterday Mary Diederlee repeated about the
same threats I found the Knife here in Court
on the foot of the bedstead in George Beths house
when I found the Knife or Sabre it seemed to
have been washed and freshly greased with Tallow.
Sworn to and Subscribed before { John N. Smith
me this 4th of April 1864.

Reed McCormack J.P.

I Reed McCormack one of the Justices of the Peace
within and for the County of Jefferson do certify that
the said Mary Diederlee Louisa Beth and Emma
Beth were brought before me & charged with killing a mare
belonging to John W. Tulloch and that they were distinctly informed
of the charge made against them and that they were at liberty
to refuse to answer any questions put to them & the Examination
of the said Mary Diederlee Louisa Beth and Emma Beth
as also the Examination of the above named witnesses
by me taken and reduced to writing the day and
year aforesaid.

The prisoners in this cause refused to
make any statement whatever.
Given under my hand April 4th 1864,
Reed McCormack
Justice of the Peace

Filed Apr 5 1864.
Samuel H. May Esq

State of Missouri
County of Jefferson

State of Missouri J. W. Fullock prosecutor
against

Mary Diederlee Louisa Beth
and Emma Beth for Killing a
Certain Mare.

Examination of Witnesses on the part of the Prosecutor
John W. Fullock being duly sworn States that
on the 31st ^{of March last} as I was coming home from Hillsboro
about dark when I came along near where George
Beth lives I found my Bay mare laying in the
Road entirely helpless. I then went & got Mr Dale
and Louis Klismith and we did all we could for
her but couldnt get her up. Next morning I
found her still alive then I went for Mr Jacob
Harnestick, & when J^r Harnestick got to her She was
dead. then we proceeded to cut her open to see if we
could find what had caused her death on
a close examination we found that she had been stuck
with a Knife or some sharp instrument right under
the back bone the wound was from 12 to 15 inches deep
turning to one side the instrument struck the bone
near the curpling of the back bone. She was about
two hundred yards from Beths house. my mare was
very gentle and easy caught I do not consider
that my life or property is safe nor my neighbors lives
or property are safe so long as those prisoners are allowed
to remain in our neighborhood. I was with Constable
Smith when he arrested the prisoners we found in Beths
house a sword or Knife that I believe to ^{have} been the
very instrument that my mare was killed with.
I consider my mare to have been well worth one
hundred & twenty five dollars

John W. Fullock

Mr Jacob Hornstieck Sr being duly sworn
states on ^{the} first day of April 1866 John W Tullock
came to my house to get me to go with him
and see a crippled or wounded mare of his
when we got to the mare we found her ~~to~~
dead. we opened her & found her ^{to have} ~~been~~ struck or cut
immediately under the root of the tail the cut
was from one foot to fifteen inches in depth
striking her loin bone which would entirely ruin
or disable her the Barre shown one here in Court
I believe to have been the instrument that Tullocks
mare was killed with.
sworn to & subscribed before me April 16th 1866
Redmond Mackay JP

John W. Hale being duly sworn states I went
to the mare in company with Tullock & Hornstieck
& found her dead we opened her & found her
to have been struck or cut under the root of
tail with some sharp instrument the cut
was from twelve to fifteen inches deep I consider
the cut to have been of such a character as
to have killed the mare I was well acquainted
with Mr Tullocks mare and know her to have
been very gentle the place where I found the mare
was some two or three hundred yards from the
house of George Beth. the Silver Bayonet shown
me here in Court I believe to have been the thing
that Tullocks mare was killed with.

sworn to & subscribed
before me this April 4th
1866. Redmond Mackay
JP

Filed for me. J. W. Hale

State of Missouri
County of Jefferson

Be it remembered that on the
4th day of April 1866. at the County aforesaid,
J^r W Tullock Jacob Harnsick James Belville & J. N. Smith
of the County of Jefferson came before me a Justice
of the Peace within and for the County aforesaid
and acknowledge themselves indebted to the State
of Missouri in the sum of four hundred dollars
to be levied of their goods and chattels lands
and tenements upon condition that if they shall
personally appear before the Circuit Court on
the first day of the next term thereof to be
holden for the County of Jefferson on the second
Monday of May next then and there to testify
and give evidence in behalf of the State of
Missouri against Mary Dindsee and Lavinia Beth
and Emma Beth on a certain charge of Killing a
mare. whereunto they are charged and shall
not depart the said Court without leave
then this Recognizance to be void otherwise
to remain in full force. John W Tullock
approved this 4th April 1866 Jacob Harnsick Sr
Reed McCormack J^r } James Belville
John W Smith

Wm. A. P. O. 5-1866.
Dated at O. P. O.
Wm. A. P. O.

State of Missouri. John W. Tullach Prosecutor
 Against
 Mary Diederlee Louisa Beth and Emma Beth

Constables fees	\$	Justices fees	cts
Serving warrant on 3.	2.25	Serving warrant	35-
6 witnesses	2.10	Summons for wit	35-
Bringing Prisoners to jail	3.00	Docketing case	10
1 Guard 1 day & 2 nights	4.50	Serving 7 witnesses	35-
30 Miles for coach	3.00	Judgment	50
30 " " Guard	3.00		

Witnesses in the above cause

John W. Tullach	2 days	\$2.00
Job Belville	" Do	2.00
James Owens	" Do	2.00
John Decker	" Do	2.00
Jacob Hauerstik	" Do	2.00
John N. Smith	" Do	2.00
Louis Klumpp	" Do	2.00
John McHale	" Do	2.00

Given under my hand April 4th 1866
 Reed McCormack JP

27th Apr 1866
Dundee & Glasgow

copy.

The State of Missouri to John N. Smith
Constable of Platten Township and the Keeper
of the Jail of Jefferson County, Greeting.

These are to command you the
said Constable forthwith to convey and
deliver unto the custody of the Keeper of
the jail of the County of Jefferson aforesaid,
the Bodies of Mary Diendsee
Louisa Veth and Emma Veth of Jeffer-
son County taken and brought before
me, a Justice of the Peace within and
for the County aforesaid, and charged
before me upon the oath of John W.
Tulloch of having killed a certain mare
the property of the said John W. Tulloch,
and you the said Keeper of the said
Jail are hereby required to receive the
said ^{Mary} Diendsee Louisa Veth and Emma
Veth unto your custody into the said
Jail and there safely keep until they shall
there be discharged by due course of
law.

Given under my hand April 4th 1866,
Reed W. Hornack J.P.

The within prisoners were required
to give bail in the sum of four hun-
dred dollars each,

Given under my hand April 4th 1866,

To the Honorable the County Court of Jefferson
County, State of Missouri, at its April
Term 1866.

Your petitioners, the under-
signed, state, that upon complaint of one
John W. Tulloch, made to R. M. McCormack, a
Justice of the peace within Platten Township in
said county, that they had killed a bay mare
belonging to him, said John W. Tulloch, the
said Justice of the Peace issued his warrant
for their apprehension ^{on the 3^d of this month} that in pursuance of
said warrant they were arrested on the
4th of April 1866. and taken to said Justice
of the peace, by John A. Smith, a constable,
to answer the complaint; that upon the
examination of the matter before said
Justice M. McCormack, the latter issued his
warrant of commitment to said Con-
stable John A. Smith and the Keeper of
the Jail of Jefferson County, Mo.; that
by authority of said warrant of commit-
ment said constable Smith delivered
them to said Jailor, James O. Williams,
and that by authority of the last men-
tioned Warrant, said Jailor committed
them to the Jail of Jefferson County at
Hillsboro, on the 5th of April 1866,
and there keeps them still in confine-
ment.

These petitioners pray the court, that a writ of habeas corpus may be issued to the said Jailor of Jefferson County and that they may be released from confinement for the reason that the same is illegal, unjustifiable and without any cause in this:

1st that said Justice of the Peace had no power, to issue process for their apprehension, because they were not charged with any ~~off~~ criminal offence before him, nor had he personal knowledge of such offence,

2nd Because it did not appear upon the examination of the whole matter before said Justice, that any criminal offence had been committed,

3^d Because it did not appear upon such examination, that there was a probable cause for charging these petitioners with the offence in question, if it could be called an offence at all,

4th Because it was the duty of said Justice upon the examination of the matter to discharge these petitioners,

5th Because the testimony before said Justice did not show a probability / not even the remotest probability in the eye of the law / of an criminal offence of these

petitioners.

A copy of the Warrant of Commitment
is enclosed.

This 6th of April 1866.

Louise Veth
Emma ^{her} Veth
Mary ^{her} ~~mark~~ Diederica

Louise Veth, being sworn upon her oath,
says, that the facts as stated in
the foregoing petition are
true.

Sworn to and sub.

scribed before me } Louise Veth
This 6th day of April
1866.

Henry F. Ahlers
Notary Public.

John W. Wain

For rent of
horses & carriages,

2

by

Charles Webb & al.

2

2

1.5-0

2.00

Wm. W. Wain & Co. Wm.
Wm. Wain & Co. Wm.

James

State of Missouri, ss.^o By the Habeas Corpus Act,
County of Jefferson 3

The State of Missouri to the Jailor
of the County of Jefferson, State aforesaid, greeting;

You are hereby commanded, that the
ladies of Mary Diesterle, Louisa Veth and Emma
Veth, in the Jail of the said County of Jefferson,
under your custody detained, as it is said,
under safe and secure conduct, together with
the day and cause of their being imprisoned,
and detained, by whatsoever name the said
Mary Diesterle, Louisa Veth and Emma Veth
may be known, you have before the County
Court of Jefferson County, State aforesaid,
now in term at Hillsboro in said County,
without delay, to do and receive what
shall then and there be considered concern-
ing the said Mary Diesterle, Louisa Veth
and Emma Veth so imprisoned and
detained as aforesaid, and hereof fail
not at your peril,

In witness whereof, J. R. W. Mullin,
Clerk of the County Court aforesaid, has
hereunto signed my name, and affixed
the seal of said Court at Office this 6th
of April 1866.

J. R. W. Mullin
Clerk

This is to certify, that I have the persons
of Mary Diederle, Louisa Veth and
Emma Veth, named in the above writ of
Habeas corpus, in my custody; that
they are so by authority of a warrant
of commitment, issued by R. Mc Cormack,
a Justice of the Peace of Platten Township,
in Jefferson Co. Mo., ^{dated April 4th 1866} charging the prison-
ers with having killed a mare belonging
to John W. Tullach, a copy of which
warrant is annexed.

Hallsboro, Jefferson Co. Mo. April 6th 1866,
J. O. Williams
Jailer of Jefferson Co. Mo.

I waive the necessity of attaching
hereto a copy of the warrant of
commitment

J. O. Williams
Co. Attorney

State of
Maryland, District of
Criminal Beth
Jury of the County of
Baltimore

John A. Smith
Attorney at Law

State of Missouri }
County of Jefferson }

Jefferson Circuit Court

May Term 1866

The Grand Jurors of the State of Missouri with
in and for the body of the ^{County} Jefferson now here
in Court duly empaneled sworn and char-
ged upon their oath present that George
Veth ^{Wm. Diordelpe. Louisa Veth and Emma Veth} late of the County of Jefferson, aforesaid
on the ninth day of November in the year of
our Lord one thousand eight hundred and
sixty five with force and arms at and in the
County of Jefferson aforesaid one heifer
of the value of twelve dollars. of the goods and
chattels and personal property of John Shimer-
mand then and there being found, unlaw-
fully and feloniously did steal, take and
carry away. contrary to the form of the
Statute in such case made and provid-
ed and against the peace and dignity of
the State

David Murphy
C. Atty

2131

State of Michigan

as

George Veth et al

Grand Jurors

Robert McKeel

James H. Linscomb

Michael

John Shermann

John W. Dullock

John W. Smith

Dated May 1st 1866.

Sam. A. Veth et al

A true bill

John W. Linscomb

Foreman

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

George Veth

if he be found in your County, and *him* safely keep, so that you have *his* body before the Honorable Judge of our Circuit Court *on the 12th day of November 1866.*

at Hillsboro, within and for the County of Jefferson, then and there to answer unto an Indictment found against *him* by the Grand Inquest for the body of the County of Jefferson, for *Grand*

Larcey

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State.

WITNESS, SAMUEL A. REPPY, Clerk of our said Circuit Court,

with the Seal thereof hereto affixed, at Office, this

Eighteenth day of *July*

A. D. 1866

Samuel A. Reppy

Clerk Circuit Court.



George Bath

John Williams
Shewitt fee \$1.75



COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

Mary Pierdelee

if he be found in your County, and *her* safely keep, so that you have *her* body before the

Honorable Judge of our Circuit Court on the *12th day of November 1866*

at Hillsboro, within and for the County of Jefferson, then and there to answer unto an Indictment

found against *her* by the Grand Inquest for the body of the County of Jefferson, for *Grand*

Larceny

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State.



WITNESS, SAMUEL A. REPPY, Clerk of our said Circuit Court,

with the Seal thereof hereto affixed, at Office, this

Eighteenth day of *July*

A. D. 1866

Samuel A. Reppy

Clerk Circuit Court.

COUNTY OF JEFFERSON, Mo.

THE STATE OF MISSOURI

In the County of Jefferson, State of Missouri

Mary Deedle

Know all men by these presents, that the undersigned, Mary Deedle, of the County of Jefferson, State of Missouri, for and in consideration of the sum of \$100.00 to her in hand paid by the said John Deedle, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said John Deedle, his heirs and assigns forever, all that certain lot or lots of land, situate, lying and being in the County of Jefferson, State of Missouri, and being more particularly described as follows, to-wit:

That certain lot or lots of land, situate, lying and being in the County of Jefferson, State of Missouri, and being more particularly described as follows, to-wit:

of the State

WITNESSES, EUGENE A. REEVE, Clerk of said County Court.

and the said John Deedle, his heirs and assigns forever.

day of

A. D. 188



Clerk County Court

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

Mary Dierdelee

if he be found in your County, and *her* safely keep, so that you have *her* body before the Honorable Judge of our Circuit Court *on the 12th day of November 1866.*

at Hillsboro, within and for the County of Jefferson, then and there to answer unto an Indictment

found against *her* by the Grand Inquest for the body of the County of Jefferson, for *Malicious Killing Cattle*

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State.

WITNESS, SAMUEL A. REPPY, Clerk of our said Circuit Court,

with the Seal thereof hereto affixed, at Office, this

Eighteenth day of *July*

A. D. 1866

Saml. A. Reppy

Clerk Circuit Court.



COUNTY OF TELLERSON, MO.

STATE OF MISSOURI.

Mary Deidlee



Know all men by These Presents That
 George Veth as Principal and
 Bazel Hiney as Securities are held and
 firmly bound unto the State of Missouri
 in the full and just sum of Two Hundred
 Dollars for the Payment Whereof We bind
 our selves jointly and severally firmly
 by These Presents Sealed With our seal and
 dated This Eighth Day of October A D 1866
 yet upon condition That if the above
 named George Veth shall Personally be
 and appear before the Circuit Court
 of Jefferson County on the first Day of
 the next term thereof to be begun
 and held at the Court house in
 the Town of Hillsboro Within and for
 the County of Jefferson on the second
 Monday of November next to answer an in-
 dictment Preferred against him for Grand
 Larceny and from Day to Day and from
 term to term and not Depart Said Court
 Without Leave thereof then this bond to be
 null and Void Other Wise to Remain in full
 force

Taken and approved
 by me this the 8th Day
 of October 1866

C. C. Fletcher Sheriff
 By John Williams Deft

George Veth (Seal)
 Bazel Hiney (Seal)
 (Seal)

George North
Donat & Caplain

Know all men by this Present
That Mary Diederle as principal and
John Zickendrath A. Hill as securities are
held and firmly bound unto the State
of Missouri in the full and just sum
of Two Hundred Dollars for the payment
Whereof We bind our selves jointly
and severally firmly by this present
sealed with our seal and Dated this
10th Day of October A.D. 1866 yet
upon condition that if the above
named Mary Diederle shall perso-
nally be and appear before the Circuit
Court of Jefferson County on the first
Day of the next term thereof to be begun
and held at the Court house in
the Town of Hillsboro within and for
the ^{County} of Jefferson on the second Monday of
November next to answer an indictment
perfected against her for Grand Larceny
and from Day to Day and from term to term
and not depart said Court without
leave thereof then this bond to be null and void
Other wise to Remain in full force

Mary Diederle Seal

John Zickendrath Seal

A. H. Hill Seal

taken and approved

by me this 10th Day of October

A. D. 1866 C. C. Fletcher Sheriff

By John Williams Dep^y

Mary D. Dexter

Depositions of witnesses produced, sworn and examined on the 9th day of Nov. 1866 between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon of that day, at Le Lacs, in the County of Jefferson, and State of Wisconsin before me Gust Hamel, a Justice of the Peace within and for Jeff. Co. in a certain cause, now depending in the Circuit Court of the County of Jefferson in the State of Wisconsin between the State of Wisconsin, Plaintiff and George Veth Defendant, on the part of Plaintiff

John C. Hamel of lawful age, being produced, sworn and examined, on the part of Plaintiff deposes and says that

I acted as a Rail Road agent at Le Lacs, Jeff. Co. Wis. from September 22^d to Nov. the 14th in the year 1865. While I was acting agent I have nothing received for George Veth except a few articles, such as empty kegs and small packages, which came by Adams Express and in the Baggage car, and was not way billed.

John C. Hamel

Subscribed and sworn to before me this 9th day of Nov. 1866

Gust Hamel, J.P.

I, Gust Hamel, a Justice of the Peace within and for the County of Jefferson do certify, that John C. Hamel came before me, at Le Lacs in the County of Jefferson and State of Wisconsin, he was sworn to testify the whole truth

of his knowledge touching the matter in contro-
versy aforesaid, that he was examined and his
examination reduced to writing, and subscribed
by him, in my presence, on the day, between
the hours, and at the place in that behalf first
aforesaid and his said depositions are now
herewith returned.

Given at Le Solo, at my office, in the
County of Jefferson and State of Missouri
this ninth day of November 1866.

Gust. W. Hamel J. C.

State

and

George Washington

John Hancock

Received by mail of General
and filed Nov 2 1866
Samuel A. B. B. B.

State of Missouri
vs.
George Veth, Mary
Diederle, Louise Veth
and Emma Veth

Indictment
for
Grand Larceny.
November Term 1866

Defendants Mary Diederle
Louise Veth and Emma Veth
move the court to cause that
their names may be stricken
from the docket in the above
entitled case, for the reason
that the Indictment found
against them, was ignored
by the Grand Jury in
this court at May Term
1866.

Thomas G. Ahlers,
Attys for ^{defds} ~~defds~~.

State

no.

George Oeth
etc.

—

Provision

Filed Nov 4th 1866
Court & Registry Clerk

State of Missouri, Jctff } In the Jefferson County
vs. } Circuit Court.
Mary Diöderle, depdt. } November Term 1866.

Indictment for maliciously
killing cattle.

Now at this day comes defendant
by her attorney, and demurs to the
Indictment aforesaid, for the reason,
that there is no allegation in
the Indictment, that the crime
with which defendant is charged,
was committed feloniously
or with a felonious intent.

Henry F. Shivers
Atty for depdt.

State of Missouri

No.
Mary Doak

Answer to
Interdiction

Filed Nov 10th 1866.

Daniel A. Phelps

June 1894

no

George M. H.

John M. H. H. H.
John M. H. H. H.
John M. H. H. H.

John M. H. H. H.