The State of Missouri v Steitz, Matthias 1863 506/9

630/24

Kribben & Kehr (A)

MO
v
Steitz

Voullaire (K)

March 63

March 62

[illegible]

[illegible]

Dealt as a merchant
sold. 6 hams
5 shoulders
3 piece [illegible]

– [illegible]

Affirmances

In the St Louis Criminal Court.
July Term 1861.

State of Missouri: ſct:

At a Term of the Saint Louis Criminal Court begun and held at the City of St. Louis, within and for the County of St Louis, on the first Monday in July being the first day of said Month, in the year of our Lord, one thousand eight hundred and Sixty one. were present the Hon Henry a, Glover Judge, Seymour Voullaire Esq. Circuit attorney, Joseph P Vastine Esq. assistant Circuit attorney, Peter Wegman Esq. marshal of St Louis County and Frederick Kretschmar Clerk of said Court.

The Marshal returns here into Court the venire facias to him directed with a panel of Grand Jurors endorsed thereon, who being Called Come as follows, to wit:

Grand Jury. George K. Rudd, who is by the Court appointed foreman, Greene Erskine, John W. Chambers, Robet Forsythe, Edward J. Rent, William Rose, William M. Walton, Christian Rust, J. R. Gazzum, A. S. Gay, Henry Pilkington, Thomas D. Strode, J. W. Tooly, Samuel R. Sherrer, John C Rust and Charles E. King, Sixteen good and lawful men, who being duly empannelled and Sworn, and having received their Charge from the Court, retire to Consider of their Presentments.

Saturday July 20. 1861.

The Grand Jurors return to the bar and deliver the following indictment as a true Bill, to wit:

Indictment. State of Missouri. } St Louis Criminal Court
County of St. Louis. } July T. 1861.

The Grand Jurors, of the State of Missouri, within and for the body of the County of St Louis, now here in Court duly empannelled, Sworn and Charged, upon their oath, present that Matthias Steitz, late of St Louis, in St Louis County, on the tenth day of June, in the year of our Lord, one thousand eight hundred and Sixty one, and on divers other days and times between that day and the day of the finding of this indictment at St Louis, in St Louis County aforesaid, unlawfully did deal as a merchant in the selling of goods, wares and merchandise, by then, and on said other days and times, there selling as a merchant as aforesaid, Six hams, Six Shoulders, three pieces of Pork, which said goods, wares and merchandise, were not then and there unmanufactured articles, the growth or produce of this or any other State, which were not Consigned to him the said Matthias Steitz, at a place then, and on said other days and times, occupied by said Matthias Steitz, for that purpose, to divers persons to the Grand Jury aforesaid unknown, for the price and Sum of two dollars for each and every ham, one dollar and fifty Cents for each Shoulder and one dollar for each piece of pork, sold as aforesaid, without then and on said other days and times having a license therefor, Continuing in force, against the Statute in that Case made and provided, and against the peace and dignity of the State.

J. P. Vastine Asst. Cir atty.

Endorsed: A True Bill.

Geo K. Rudd Foreman.

Filed July 20. 1861. Ted Kretschmar Clerk

Friday January 17. 1862.

The State of Missouri vs. Matthias Steitz. } On Indictment for Selling as a Merchant without License

Submitted to Court.

Now Come as well the Circuit Attorney who prosecutes for the State as the said defendant in his own proper person and by Counsel learned in the law: and thereupon the said defendant having had hearing of the said indictment says he is not guilty as charged therein and for trial puts himself upon the Country and the Circuit Attorney doth the like: whereupon the parties aforesaid waive a Jury and submit this Cause to the Court and the Court here doth find from the evidence that the said defendant is Guilty of selling merchandise without a license as charged in the said indictment and doth assess his

Judgment.

punishment therefor at a fine of two hundred dollars: therefore it is coneidered by the Court, that the said defendant for his offence of selling merchandise without a License aforesaid pay to the state of missouri for the use of St Louis County a fine of two hundred dollars, that he pay the Costs of this prosecution, and stand Committed until this Sentence be complied with, and it is ordered by the Court that execution iesue for said fine and Costs.

Monday January 20. 1862.

The State of missouri vs. Matthias Steitz. } On Indictment for Selling merchandise without a License.

Motion for a new trial filed by the defendant.

Tuesday January 21. 1862.

The State of missouri. vs. Matthias Steitz. } On Indictment for Selling Merchandise without a License

Now again Comes the Circuit attorney who prosecutes for the State, and also the said defendant in his own proper person, and by Counsel learned in the law, and thereupon the defendants motion for a new trial herein being by them submitted to the Court, and by the Court fully understood: therefore it is Considered by the Court that the said motion for a new trial be overruled.

Thursday January 23. 1862.

The State of missouri. vs. Matthias Steitz. } On Indictment for Selling Merchandise without a License

Appeal

Now Comes the defendant by his attorney and prays an appeal to the Supreme Court from the Judgment of this Court herein rendered against him, and the Court here being of opinion that there is probable Cause for said appeal doth grant the same and doth order and direct that said appeal operate as a Stay of proceedings on the judgment herein: thereupon the defendant files his bill of exceptions herein:

Bond.

Whereupon Matthias Steitz as Principal and George Rayha as his security, here in Court, each acknowledge themselves to owe the State of missouri the Sum of Three hundred dollars, to be levied of their respective goods and Chattels, lands and tenements, Yet: upon Condition; that if said Matthias Steitz shall appear

before the Supreme Court of this State at the next Term thereof to be begun and held at the City of St Louis on the Third Monday in march next, to receive judgment on the appeal herein taken, and shall also appear before this Court at such time and place as said Supreme Court shall direct, and shall render himself in execution and obey every order and judgment that shall be made in the premises, then this recognizance to be void else of full force and effect in law.

The State of missouri. vs. Matthias Steitz. } In the St Louis Criminal Court. January Term. 1862.

Be it Remembered that on the 17th day of January 1862. when the said Cause Came up for trial in said Court, the plaintiff to Sustain the issues on his part offered evidence tending to show:

Testimony. That the defendant within one year from the date of the indictment, made it his business, to purchase live Hogs, to Slaughter them, Cure and pack the meat, and to sell the hams, bacon and land, derived from said hogs to Customers generally, at St Louis City and County, and at a place Store or Stand occupied by him for that purpose, but also in Connection with his Slaughtering and packing house. Which was all the evidence offered in the Case, and upon which the facts the Cause was Submitted to the Court, both the State and defendant waiving a Jury and Submitting the Cause to the Court.

The defendant Submitted and asked for the following

instruction.

The defendant asks the Court to declare the law governing the Case to be:

Instructions Refused.

"If the evidence establishes the fact to be: That the defendant did bueiness in purchasing live Hogs and Slaughtering these hogs, and manufactured and made these hogs into pork, Curing the same, and Selling such pork, bacon. hams, and the incidental of the hog meat at Saint Louis, and Sold no other goods &c. then the defendant Should be acquitted, he not being a merchant under the law."

The granting of which, the Court then and there refused to which refusal the defendant then and there excepted, The Court thereupon gave the following Judgment.

Judgment

..... It is Conceidered by the Court that the said defendant for his offence of selling merchandise without a license aforesaid pay to the State of missouri. for the use of St Louis County a fine of Two hundred dollars, that he pay the Costs of this prosecution, ...

Which were all the proceedings had on the trial. On the 20th of January 1862. and within the time limited by law, the defendant moved for a new trial & hearing of the Cause in the terms following.

motion for a new trial.

That the judgment of the Court is against the law.

That the evidence does not warrant a verdict against the defendant under the law.

Which motion the Court overruled, to which overruling the defendant excepted.

These were all the proceedings had in the Case.

And now Comes the defendant and files this his

bill of exceptions in this behalf, and prays that the same may be enrolled and made part of the record and so signed by the Court.

H. A. Clover. Seal

State of Missouri.
County of St Louis ss. I Frederick Kretschmar Clerk of the St Louis Criminal Court within and for said County. Certify the foregoing to be a full and Complete transcript of the record and proceedings had in the Case of the State of Missouri vs. Matthias Stelz as the same is of record and on file in my office

Witness, my hand and the seal of said Court hereto affixed at office in the City of St Louis this 26th day of February a. D. 1862

Fred Kretschmar Clerk

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363 105.7 (24) 7

From the March Term 1863

St. Louis Criminal Court.

Appeal.

Matthias Steitz.
Appellant.

The State of Missouri.
Respondent.

Messrs Kribben & Kehr.
M. E. for Appellant.

Seymour Voultaire Esq
for Respondent.

Filed March 1. 1862
A W Mead
Clerk.

Feb 2. 75.

1862 Nov 1 Apt of error
1863 April 10. Submitted on Brief
1863 May 11. Affirmed Opn filed 1873

Respondents brief filed

The State of Missouri Resp
v
Matthias Stertz Appt

IN SUPREME COURT,
Oct - TERM, 1862
Lexate of Missouri

AND now come, the said defendant, appellant and say, that in the record and proceedings of the Court below, in the above entitled cause, there is manifest error, and for error said appellant assigns the following, to wit:

1. That said Court admitted improper and illegal testimony offered by the State
2. That said Court rejected proper and legal testimony offered by the defendant
3. That the Court gave to the Jury improper and illegal instructions.
4. That the Court refused to give to the Jury proper and legal instructions offered by the State
5. That the verdict was against the evidence.
6. That the verdict was against law.
7. That the verdict was against both law and evidence, and against the law under the evidence.
8. That the verdict was against the weight of evidence.
9. That the judgment was rendered in favor of the State when it should have been rendered for the defendant.
10. That said Court overruled the motion for a new trial, made by

That on the case submitted the verdict should have been for the defendant.

Ann Kribben
P. A.

And now come the ..... and for joinder in error say, that there is no error in the record and proceedings of said ..... in said cause, as assigned by said .....

No. 313

Supreme Court. Oct T. 62

~~State of Missouri~~

State of Missouri res.

vs

Mathias Steetz app.

Assignment of Errors

Filed Nov 1. 1862

A W Mead

Clerk.

Thribben & Kehr

for app.

State of Mo } Supreme Court
vs
Mathias Steitz }

For Respondent's Brief
see Case of State vs Whittaker

Seymour Fullerine
Cit. Atty for State

Supreme Court.

State of Mo

vs

Mathias Steitz

Respd brief

S. Faillaire

Crt. Atty for State

Filed March 10. 1863

A.W. Mead

Clk