

## **Marsden, Hensley, Moss Murder Trials**

The following newspaper articles concern a series of events which occurred in the Upper Sandy area including arson, robbery, hog stealing, and murder. Several upstanding, pioneer families were involved, and there was much speculation as to the outcome of the situation. It ended as tragically as it began.

Transcribed by Lisa K. Gendron

### **Jefferson Democrat Newspaper, Hillsboro, Jefferson County, MO November 1881**

Last Sunday morning, Dr. Brewster was notified by Mr. Henry Brady that Ansen A. Vail had been burned up, with his house, and that an inquest was necessary. Mr. Vail was an old gentleman of eccentric habits, who parted from his wife and children in New York State, because they insisted on living in a style corresponding with their means. He was wealthy, and after giving a competence to each member of his family, he came west with his share several years ago, and settled in this county, where he was endeavoring to increase his store by keeping his money out at interest and spending as little as possible. In attempting to handle his money and notes so that the Assessor could not get at the full amount, he did not always get the best security for his loans, and some losses were sustained. He has doubtless had more lawsuits with his neighbors than any other man in the County. The most serious case he had was when he was convicted of stealing wheat, but he paid up his fine and appeared as if nothing had happened. While he was at enmity with most of his neighbors, there were others who had a good opinion of him and thought he deserved a better reputation than he had. It is certain that he accommodated many with money, when they could not obtain it elsewhere, and even if he did it expecting to recover his own with usury, it was still a favor.

In regard to the tragedy, all is a mystery. It occurred Saturday evening between 7 and 8. Mack Marsden had left there just about sundown, and the old man was well and in good spirits. The neighborhood is thickly settled, four families living within a quarter of a mile, two of them, Kurz on the east and Henry Meyer on the north, within plain view. Kurz folks saw and heard nothing. Meyer heard Vail's dog barking loudly, and it excited his dogs so that they ran twice, half way down to Vail's, but he did not go out, thinking nothing at the time. About three fourths of an hour afterward, he saw the house burning, but was afraid to go down, as he and Vail were enemies and Vail had forbidden him coming on the premises. Louis Meyer, a mile away, saw the fire and ran to his brother Henry's and thence to Mr. Brady's, and he and Mr. Brady and a Mr. Cummings went together to Vail's and were the first there; Meyer having traveled a mile and a quarter after seeing the fire, and stopped twice on the way. By that time the interior and lower part of the cabin were consumed and the roof was falling in, the fire having burned from below. The roof of an unfinished new log house was then blazing, and the men tried to save it but soon saw that was impossible, the house being very high and they having no means of reaching the top. They saved some lumber that was in it, and there being nothing further to do, went home.

Next morning's light revealed the fact that the occupant of the cabin had been consumed also. Several persons were familiar with the position in which his furniture & c. always

stood. Vail's remains were found on some sacks of wheat and his gun barrel in the corner where the bed had stood. Nothing remained of the man but small fragments of bones, but many of these were easily recognized as portions of human anatomy. The pieces were all picked up and put into a small stove pot. A careful search among the debris revealed no traces of silver or gold, and it is hardly possible that he had neither. The prevailing opinion is that he was murdered and robbed and then burned, but the inquest failed to throw any light on the subject.

**The Democrat, November 18, 1881**

On Saturday, Nov. 26, at the late residence of the deceased, the Public Administrator will sell at public auction the personal property of A.A. Vail, deceased, consisting of 8 horses, 1 mule, 2 cows, 9 sheep, 14 hogs and other articles. A credit of 12 months will be given on all sums of over five dollars.

**Jefferson Democrat, March 31, 1882**

The murder of Joseph Yerger last week was a most horrible affair. Yerger was a fine business man and by his industry and good management had built up a good paying business, and while looking after his own, he may have made enemies, but there was certainly no one to whom he had done grievous injury. The inquest revealed nothing that would give a clue to the murderer. August Edinger, Yerger's nephew, who was first to discover the fire at near midnight, was sleeping upstairs. He immediately aroused the family and other inmates of the building. It was but a short time till seven of the neighbors were aroused and all hands went to work fighting the flames. Yerger was at the pump, dressed only in his night clothes, pumping water, while others were throwing water on the fire. Suddenly a shot was heard from across the street. Yerger called out, "who is that shooting here?" walked a few steps and sank, not being able to speak anymore. He was carried to Mr. Hellitags, where he died in a few minutes. He was struck by three buck shot, one in his left side, piercing his heart, another lower down entering the stomach, and a third in the thigh. The effort to save the building and goods continued but without success. We understand a large reward has been offered for the apprehension of the murderer but we have no direct information as to the amount but it is somewhere near \$3,000.00.

**The Democrat, Hillsboro, Jefferson Co., MO April 4, 1883**

For some time past, a very singular as well as deplorable state of affairs has existed in this county in what is known as the Upper Sandy neighborhood. Hog stealing has been the most common occurrence talked of, and the popular verdict was that the persons who stole the hogs had already been guilty of murder and arson; and so the occasional theft of a gang of hogs was thought to be something that had better be quietly submitted to, rather than risk a greater evil by making a fuss about it. The farmers in the neighborhood, it is reported, had almost quit raising hogs, except a few that could keep them up in pens all the time, and even these were sometimes taken. That any systematic effort was ever made to ferret out the thief, we do not know; but there have been several stories told of investigations made, all of which fastened the guilt upon the same person. The people of the neighborhood have been afraid to talk (about) what they know or believed. They would deplore the condition of things and speak of the insecurity of property, but if they

were making any effort to arrest and punish the thief, nobody knew of it. They would take you to one side, and after extorting a promise of secrecy, whisper in your ear accounts of how crimes had been traced to Mack Marsden's door. When old man Vail was murdered and his body and cabin burned fifteen months ago, Mack Marsden was suspicioned of the crime; and when some time later, Joseph Yerger was murdered and his house burned, there were vague rumors that Marsden had committed that crime also, because Yerger was in possession of a clue which made it a matter of necessity on the part of Marsden to put him where he would tell no tales. Other men would often be named as accomplices, but Mack is always spoken of as the leader. The victims of all this deviltry not only made no effort to protect themselves, but they also prevented any effort being made by others by their constant refusal to tell – except as a profound secret – anything that they knew or suspicioned. These matters went on, till a week or two since, the thief got a little out of his range and stole a bunch of eleven hogs out of William Plass' pen, on the old Hillsboro and St. Louis road, about five miles from Hillsboro. Plass at once went to work to recover his hogs. He finally found them in St. Louis, in possession of Jacob Hoffmann, who swears that he bought them of Mack Marsden. This bit of positive evidence was thought to be a fortunate thing and Marsden was arrested and placed in the calaboose in Carondelet. The next day Plass came to Hillsboro and procured a warrant, and Constable Frazier went and brought the prisoner down. This was on Thursday last. Mack at once gave bond in the sum of one thousand dollars for his appearance at the preliminary examination on Saturday. Saturday, on account of the absence of the Prosecuting Attorney, the State was not ready for trial, and the case was continued until next Friday, Marsden renewing his bond. Marsden does not deny selling the hogs to Hoffman, but claims to be able to prove that he bought them from another man, and appears perfectly easy as to the result, being ready for trial at any time. We do not pretend to know who the guilty party is; our only interest in the matter is that of the general public, to have the guilty party punished. We publish the above statement of rumors, because the St. Louis papers have got hold of them, and published them as substantial facts. Marsden has never been convicted of any of the crimes of which he is accused, and at all times asserts his ability to prove his innocence. His father and uncle, his bondsmen, are old citizens of the county, and men against whose good character there has never been as much as a whisper, so far as we know. As to the terror that exists, there is no reason for it, and the facts can never be arrived at by pursuing such a cowardly course. If those who have suffered will come out boldly and tell what they know, they will have the support of all the substantial men of the county, and it may be that it will be found that a great many of the stories told are with little or no foundation. At any rate we hope the truth will come out before the present excitement ends.

Since the above was put in type other startling developments have been made, to which we will have to refer in a brief manner. It was ascertained that Mack Marsden intended to prove that he bought the hogs from his cousin John Marsden, and that John could not be found at his usual place of abode. A reward was at once offered for John and several persons started out to search for him. Last Monday night he gave himself up to a neighbor, and on his affidavit, warrants were issued for Mack Marsden, Jesse Johnston, and Allen Hensley. Johnston is uncle and Hensley brother-in-law to Mack Marsden. Johnston and Mack were at once arrested and Hensley be in custody by this time. Mack

has taken a change of venue to Esq. Rankin of DeSoto, and the trials are set for next Friday. We understand that John makes a clean breast of the whole thing, and furnishes strong evidence against the gang. The citizens are already acting on the hint we gave above, and are openly boldly and perseveringly engaged in a systematic and determined effort to probe the matter to the bottom and see that the guilty are punished. It will be a sorry day for the person who attempts now to shut off the investigation by assassination, as the county is fully aroused. Among the latest hogs stolen was a lot of extra-fine shoats from C. Tho. Horine, and he is in St. Louis now, trying to find them. We expect to be able to give more satisfactory news next week.

**Jefferson Democrat, Hillsboro, Jefferson County, MO Wednesday, 11 April 1883**  
Sheriff Weaver took John Marsden to St. Louis jail for safekeeping, to guard against contingencies that were thought to be probable.

The parties, whom we mentioned last week, were all arrested. Jesse Johnston stood his trial and was discharged, there not being sufficient evidence against him. Allen Hensley gave bond for his appearance at Circuit Court in the sum of one thousand dollars, his uncle W.F. Williams, going his bail. Mack Marsden took a change of venue to Squire Rankin of De Soto, and when the causes were called there last Saturday, he waived an examination and gave bonds in the sum of twenty-five hundred dollars, his father and uncle going his bail. C. Tho. Horine found and identified his hogs in St. Louis, but they had been butchered before he arrived there. They had been sold by Allen Hensley. Excitement is still red-hot, and there are several persons who are still living in constant terror, but we do not believe anybody is in danger. If there is any dependence to be placed in what they say about it, both sides are too much afraid to make an attack.

**Jefferson Democrat, 11 APRIL 1883**

Allen Hensley gave bond for his appearance at Circuit Court in the sum of one thousand dollars, his uncle W.F. Williams, going his bail.

**Jefferson Democrat, WEDNESDAY, 18 APRIL 1883**

Persons, who subscribed to the fund for capturing John Marsden, are requested to pay the same to J.F. Green, Prosecuting attorney, at once, as the party entitled to it wants his money. Walk up, gentlemen, and settle!

**The Democrat, May 16, 1883**

We have a long certificate from Michael Clover to the effect that he never saw Jesse G. Johnston and Mack Marsden together, near Joseph Bechler's or any other place, within the last year, and the report that he has stated to the contrary is false. This is as much as the public want to know about the matter.

**Jefferson Democrat, WEDNESDAY, 16 MAY 1883**

Mack Marsden has been indicted for the murder of Vail, and he and John Marsden and Allen Hensley for hog stealing. It will not be known until to-morrow what will be done with their cases. Mack has applied for a change of venue in the murder case, and to-morrow the court will hear evidence as to whether or not the people of this county are so

prejudiced that they will not give the prisoner a fair trial. The defendant is having three witnesses from each township hunted up to swear to the prejudice, and the State is to have the same number to testify on the other side. In any event, he can not be tried at this term, as the term will have to close on Saturday, as the court begins next Monday in Reynolds County. The desire of the people, so far as we have heard any expression, is for a fair and impartial trial, at as early a day as possible, as they want to know whether the accused ---

**St. Louis Globe Democrat, May 27, 1883**

Mack Marsden of Jefferson County, now under indictment for the murder of Anson Vail and for hog stealing, furnished entertainment yesterday at Hillsboro for about three hundred citizens of Jefferson County. He has had associated with him, a relative John Marsden and Allen Hensley, both of whom are held with him to answer the charge of grand larceny...

**The Democrat, May 30, 1883**

The application of Mack Marsden and Allen Hensley, for change of venue, was heard Saturday. Nearly forty witnesses were sworn and required to testify as to whether or not the people generally thought the prisoners guilty. They did not attempt to show by witnesses that prejudice existed to such an extent that defendants could not get a fair trial. As only one side of the case has been heard by the people, it is not strange that most of these, who had any opinion at all.....

**The Democrat, June 6, 1883**

Allen Hensley gave bond last Thursday and was released from jail. W.F. & James S. Williams are his bondsmen.

**The Democrat, July, 1883**

Contrary to the expectations of many and doubtless to the desire of a few, the trial of Mack Marsden, on a charge of murdering Anson A. Vail, commenced quietly last Monday and is now progressing. Judge Thomas arrived at about 10 o'clock and at once took his seat. 100 jurymen had been summoned, and they would average well with any hundred citizens that could be found. The first thing done was to excuse such jurymen as had good reason to offer, about half a dozen being excused in this way. The others were then called up in squads of a dozen at a time, sworn and examined as to their qualifications as jurors in the case, and half of them had not been examined before the required forty competent jurors had been obtained. The afternoon was occupied by defendant's attorneys in making their challenges. The jury finally selected that evening are; Joshua Cole, Como Marah, James Farley, Wm. Wilson, Wm. A. Maness, Henry Jahn, Thos. Shannon, Frank Shannon, Louis Cole, L.E. Smith, Wm. Baker and John M. Rutlege.

No effort was made for a change of venue, continuance or delay of any kind. The jury is unquestionable composed of good men, and we believe their verdict, whatever it may be, will be satisfactory to the public. There were very few present, except those who had been summoned to jurors and witnesses, and everybody has been quiet and orderly and

there is no excitement manifest. The trial may occupy the remainder of the week. We will give an epitome of the evidence after the trial is ended.

### **Jefferson Democrat, Wednesday, July 18, 1883**

Verdict not guilty. The long looked for and much talked about trial for Matthew H. Marsden for the murder of Anson A. Vail terminated last Friday forenoon, by the jury returning a verdict of "not guilty". The evidence was closed Wednesday afternoon and on Thursday morning the argument began. Judge Dinning for the prosecution and W. H. H. Thomas for the defense occupied the forenoon. In the afternoon, J. F. Green for the State, M. L. Clardy for the defense, and S. Byrnes made their speeches and the case was given to the jury at about half past five. By nine o'clock the next day they had agreed on a verdict. The attendance during the argument of counsel was quite large but with one exception nothing occurred to create excitement. Mr. Thomas stirred up the ire of two or three outsiders by accusing them of unbecoming conduct during the trial. There is some complaint about the court refusing to give the usual instructions in regard to murder in the second degree but Judge Thomas explained this by saying that under Section 1232 of the Revised Statutes of Missouri they could not find under the evidence, murder in the second degree. The section is as follows; "Every murder which shall be committed by means of poison, or by laying in wait or by any other kind of willful and deliberate killing or which shall be committed in the perpetration or attempt to perpetrate any arson, rape robbery, burglary, or any other felony shall be deemed murder in the first degree." The instruction refused is as follows: "If the jury believes from the evidence in the cause that Anson Vail of the means and in the manner specified in either count indictment was killed by defendant in Jefferson County, Missouri. At any time before the finding of the indictment, that such violence was inflicted on him by defendant, willfully, premeditatedly and of his malice aforethought, as those terms are defined by court in these instructions, they will find the defendant guilty in the second degree. If the jury finds from the evidence the defendant intentionally killed Anson A. Vail, in the manner and by the means as charged in either count of the indictment, then the law presumes that the killing is murder in the second degree, in the absence of proof to the contrary, it devolves upon the defendant to produce to meet or repel that assumption. The following is a synopsis of the principal. Evidence for the State: John Marsden, cousin of the defendant, and Thomas Moss, brother-in-law of John, both testified to the same facts; first that on a certain occasion, when "Mack" was giving Moss some change, a bill slipped out of his pocketbook and he pushed it back, saying, "Go back there, old Vail--that is the last of Vail's"; that on another occasion after Mack had been arrested on Carondelet, on a charge of hog stealing, he came to where they lived, took them off some distance from the house and told them of the plan he had of getting himself and John out of the scrape, which was to charge John with all the stealing and have Moss swear that he helped John drive the hogs to Mack's house, have John hide out awhile and then prove the crime on some old Negro, and then put the Negro out of the way; that Moss objected to swearing falsely to which Mack said, "Damn a man who would not swear a lie to save his brother-in-law! See what I have done and they never could prove it on me--see how I got old Vail; when I had him he was kicking and hollering, and a big roll of money fell and I had to let go of Vail to save it from rolling into the fire." That Mack told Moss that if he did not swear as he told him he had better prepare his coffin, and that he had ten

witnesses who would swear anything he wanted them to. Jesse Johnston, uncle to defendant, swore, that, after the trouble arose about the hogs, he told Mack they were going to work up the Vail case on him, to which Mack replied, "That is some of John Marsden's lies. He is as deep in the mud as I am in the mire--If I did kill Vail, he killed Joseph Yerger." Johnston's memory did not seem right clear as to the exact language Mack used and after he left the witness stand he came back and asked to make a correction but it amounted to just about as stated above. Amelia Moss, wife of Thomas Moss, cousin to the defendant, swore that on the evening of the murder she passed Vail's house between sundown and dark and heard Vail's dog barking and some other noise which she could not describe, but she thought was more like that of a dog choking to death than anything else that she could think of; that about an hour after that Vail's house was discovered to be burning. Laura Hunt, cousin of defendant, testified that two days after the murder Mack came to her father's house after dark, while the moon was shining and with a lantern; that when he asked about the lantern he said he carried it because he was afraid of old Vail's ghost; that he admitted to her mother that he was at Vail's house the evening of the occurrence at dark; that her mother told him what Amelia had said about hearing such a noise at Vail's that evening and Mack remarked that it was "a damned lie!" Lawson Moss, testified that Mack passed his house, going toward Vail's when the sun was about three-quarters of an hour high and someone who he took to be Mack, passed back about dark,---and it was proven by others that Mack was at Vail's that evening. Michael Clover testified that he was cultivating Vail's ground, that he lived several miles away and always went home on Saturdays and returned on Mondays; that a short time before the murder Mack bought a couple of steers from Vail, and he came to Clover in the field and asked him if he always went home on Saturdays and was informed he did. Louis Meyer and Henry Brady, the first to discover the fire and get to the scene, thought it was about seven o'clock when they discovered it, and that when they got to there, the house had been burning for some time and nothing could be saved; that they saw in the fire, what they supposed to be one of the old man's limbs. Coroner Brewster testified that at the inquest Mack said that he had been at Vail's that evening, and had paid the old man \$90.00 that he owed him. For the defense---Clay Moss, a brother-in-law of the defendant, who lives about one and a half miles from Vail's testified that Mack passed his house on his way up to Vail's about sundown or a little after; that Mack remained at his house about twenty or thirty minutes and then started home; that his two brothers and Moss started to Sandy's Church, about three miles distant and arrived there a short time before services commenced; that preaching usually begins about seven o'clock; that it was about dark when they started church. Mrs. Clay Moss, a sister of the defendant, Sam and Clarence, his brothers testified substantially to the same facts as Clay Moss. Lydia Hensley, a sister-in-law of the defendant and who lived at his house testifies that Mack came home just about dark and he and family ate supper, and a short time after supper dishes were cleaned up they----Robert King was there and stayed a short while that evening. The defendant's wife testified to about the same facts as Lydia Hensley. Robert King, a brother-in-law of the defendant, testified that he went to Mack's for some coal oil that evening, lived a short distance from Mack on the same tract of land; that it was bedtime when he got home. James Clipper met Mack on the road on his way home about dark, about three hundred yards from Mack's house. Charles Maupin testified about a conversation he had with John Marsden in Illinois about a year before Vail was killed,

in which John said he didn't see how they could make a raise unless they tapped old man Vail; that they were under the influence of liquor and joking at the time, witness further said that he was present when the conversation testified to by Mrs. Hunt took place and he himself spoke about Vail's ghost instead of Mack. Henry Koerner and Frank Boehne were called to prove that about a year or more before Vail was killed they went to Vail's with Sam Morris who borrowed some money from him, that on the road after they left Vail's Morris and they were talking about the old man living all alone, and Morris said that a man could make a raise by knocking the old man over. F. M. J. Johnston testified that on one occasion at the Sandy store, six or eight months before Vail's death, John Marsden said in the presence of several that he did not think it would be any more harm to kill Vail than to choke a possum. Millie Marsden, John's wife, was called to testify that at the time of his arrest she lived at Mrs. Louisa Marsden's, (John's mother); that Tommy Moss' wife lived there also; that one time before Mack's arrest she heard Mrs. Moss say she believed she could kill Mack herself and at another time heard Tommy, say he and John Marsden would fix up a tale that would put Mack in the penitentiary, or out of the way; that Tommy said a man at Sulpher Springs told him he would kill Mack if someone would give him money to go away on, and thereupon Mrs. Moss, Tommy's wife said, "Why didn't you give him the money?" Witness said she was now living with her aunt on a farm belonging to Richard Marsden, defendant's uncle, that one of the defendant's attorneys had been to see her; that she was going to sue John for divorce. Information was given by some jurymen after the case was all over that they stood eight for acquittal and four for conviction up to within a few minutes of the agreement, and that a verdict of murder in the second degree would have been agreed upon at once if the instructions of the court would have permitted it. The verdict is variously commented on, and there is also complaints of the court for receiving the verdict and discharging the jury without having the roll called and in absence of the attorneys for the State. Publication of this fact in the St. Louis Republican made the Judge very indignant and he came out Monday to see Prosecuting Attorney Green and assured him that he supposed the attorneys were present and he had no intimations to the contrary until he saw the publication of this fact in the papers. M. E. Green admits he went into the court room when he heard the jury was coming and was there when Judge Thomas took his seat but that the jury failed to come at that time and he had had occasion to go out for a few minutes and when he returned the verdict had been given and the jury discharged, but that the jury were still present. We do not believe that the public, when they know all the circumstances will think the Judge acted corruptly. A good deal of bad feeling has been stirred up amongst some of our good citizens but we suppose they will all be pursuing the even tenor of their ways in a short time. The thing is all over and that fact will be some consolation to the general public.

### **Jefferson Democrat, WEDNESDAY, 29 AUGUST 1883**

John Marsden made affidavit last week, before 'Squire Honey, that Jesse G. Johnston has accused him - the said Marsden - of burning Rogers' barn, and thereupon a warrant was issued for Johnston for criminal slander. Constable Frazier went on Friday and arrested Johnston, but let him go on his word of honor to come in for trial at the proper time. Sunday afternoon Frazier went out again for Johnston, and after lying around the house

till nearly dark, saw Johnston coming along with a double-barreled shot-gun. He waited until Johnston got close and then getting the drop on him, disarmed and arrested him. Johnston asked permission to get his horse, so that he could ride, and the two went together to the field where the horse was said to be. By that time it was getting dark, and when they got to the field Johnston suddenly darted off through the corn and was seen no more. Frazier is badly cut up about it, but such an accident might happen to any officer. F. brought Johnston's gun home, however, and one would judge from the loads that are in it, that it was larger game than deer they were intended for.

### **Jefferson Democrat, WEDNESDAY, 29 AUGUST 1883**

ANOTHER HORROR - The murder of Mack Marsden and Allen Hensley, which occurred last Thursday, is the latest paragraph in the chapter of horrors that have disgraced our county during the last few years. We presume, everybody in the county has already heard some version of the affair; but, and a faithful chronicler of passing events, it becomes our duty to publish a statement of the facts: The two men were returning from St. Louis in an open buggy. Thomas Beckerleg was some minutes in advance of them and W.C. Fine about the same distance, but neither near enough to hear the report of the guns, though this is probable by reason of the noise of their wagons, rather than the distance they were from the scene. Mr. Fine, who was carrying the mail from South St. Louis to this place, was the first to discover the tragedy. About two or two and a half miles beyond Antonia, he came across a man lying in the road. He at first thought it some drunken person, but his horse refusing to pass, caused him to make a closer inspection, and he found it to be the body of Mack Marsden, riddled with buckshot. He at once went to Mr. Meng's, the nearest house to the place, and brought Mr. Meng to the scene, to watch the body while he drove to Antonia. When he got to Antonia he found Allen Hensley there, being cared for by the citizens. The assassin had been in wait, and as Mack and Allen approached in the buggy, had emptied their shot guns at them, Marsden falling dead and Hensley falling back in the buggy, badly crippled, with his head hanging over the hind gate. In this condition the horse carried him along to Antonia, where he was taken from the buggy and medical assistance sent for. When Mr. Fine came up with the news of finding Marsden's body, a messenger was sent at once to Hillsboro, and some persons went back and brought the body to Antonia. Sheriff Weaver and several others started for the scene as soon as they heard the news, but before arriving there, they met Marsden's relatives, taking the body to his father's residence on Sandy. They also tried to convey Hensley home, but had to stop with him at John Gillman's, he being unable to proceed further. Hensley was able to talk and made a statement to 'Squire Edinger that John Marsden, Thomas Moss and -----the shooting. A warrant was issued for their arrest and they were all arrested that night by Marshal Beal, in DeSoto, and lodged in the jail at Hillsboro. John Marsden was in De Soto all that day and can prove an alibi by a hundred persons, and the others claim to be able to prove that they were several miles away when the shooting was done. It is admitted that they went to Sulphur Springs that morning and were in the woods, hunting but they say they carried rifles and can prove where they were. The fact of Hensley being so badly mistaken in regard to John Marsden, will have a serious effect on his testimony in regard to the other two men, and as yet no one else has been found, who can throw any light on the subject. Dr. Brewster went out to Mr.

Marsden's on Friday and held an inquest, the jury finding that Mack came to his death at the hands of unknown parties. The evidence, aside from Allen Hensley's statement, consisted only in the finding of the body by Mr. Fine, and the hearing of three gunshots, about noon by Mr. Meng. The Coroner counted thirty shots in Mack's body, besides the five of six that penetrated his skull.

Hensley died Friday night and an inquest was held Saturday the jury finding that he came to his death by gunshot by wounds inflicted by Thomas Moss, James Moss, and John or Allen Marsden. They had the same evidence that was used at the Marsden inquest, and these two jury verdicts illustrate how men can form different opinions for the same circumstances.

Both men were badly mutilated by the shot, Marsden being struck by as many as thirty buckshot and Hensley by eighteen. Marsden leaves a wife and child and Hensley was unmarried. The name of Mack Marsden has become familiar to the people of the county during the past year, he having been accused of various murders, arsons and robberies, and by a great many he was held in deadly terror. The only time he was ever tried for any crime, was for the murder of Mr. Vail, at which trial he was acquitted. He seemed a great favorite with his family, who have all along protested his innocence of the crimes of which he had been accused, and claim that he has been the victim of foul conspiracies. They have been very bitter towards all persons who had anything to do with bringing Mack to trial, and we come in for a good share of their abuse for simply publishing a statement of the facts after the trial was over. That bitter feeling is now greatly intensified, and they have said some very bad things against the people of Hillsboro in general and the officers in particular, and don't seem to have much faith in any efforts that are made to ferret out the perpetrators of this last deed, even going so far as to insult the Sheriff and his posse. There is no occasion for this. The people of Hillsboro did not believe Mack the innocent person which his friends pretended him to be; but they did nothing to contribute to this horrible result, and have always counseled obedience to law and order.

Monday morning John Marsden was discharged and Allen Marsden arrested instead. Squires Rankin and Goff came up from DeSoto and examined the three prisoners and, after a full hearing of all the evidence, they were all discharged. The State's side of the case consisted entirely of statements as to what Allen Hensley had told about the shooting. He fixed the hour at 11 o'clock, and said to some of the witnesses that he might be mistaken as to John Marsden being one of the men - that if John was not there it was Allen Marsden, Thomas Moss and Jimmie Moss. Enmity between the parties was also proven. Defendants admitted being out hunting that day, from Sulphur Springs, but proved that two carried rifles and the third a small shot gun. They proved by several that they were seen near the town of Sulphur shortly after 12; that the distance from there to the place of shooting was eight or nine miles, over very rough country; that a man could not travel the route in less than two hours. Mr. Meng, the only person that heard the shooting, was at dinner when the shots were fired.

**St. Louis Globe Democrat, August 31, 1883, p 10 Col. 5 & 6**

Mack Marsden the desperado of Jefferson County killed---His partner, Allen Hensley, dangerously wounded---Excitement at fever heat---Inquest today

Mack Marsden, the desperado and hog thief who for four years past terrorized the farming region of Jefferson County, Missouri, has at last succumbed to the vengeance of his neighbors and victims of his countless crimes. In March last, after numerous efforts on the part of the authorities, he committed a daring theft, driving off a lot of fine white hogs, belonging to Mr. Plass, a prominent farmer, and brought them to Carondelet where he disposed of them. The theft was traced to him and while still in Carondelet he was arrested by the police and turned over to the authorities of Hillsboro. His capture was hailed with joy, and numerous offenses of a graver nature were charged to him. The feeling became general that Marsden would at last meet his just deserts, and there was a strong determination on the part of the entire community to prosecute him to the fullest extent of the law. Marsden remained in Hillsboro jail until April 7, when he was brought before Judge Chas. T. Rankin, at DeSoto, to undergo a preliminary examination. The entire population of the county manifest a keen interest in the trial and hundreds of people, in wagons and on horseback proceeded to the town. Marsden appeared in court in the custody of the Sheriff and when brought before the Justice promptly waived examination and was admitted to bail in the amount of \$2,500.00. His father and uncle, who were present, signed the bond. As soon as the business before Judge Rankin had been transacted, Marsden and his relatives mounted their horses and set out for home. The crowd, however, was greatly disappointed at the failure of the trial to come off and the feeling soon grew into one of indignation which momentarily became intensified. Whether there had been a preconcerted plan or not was never determined, but soon after Marsden's and their friends left, a party of 25 or 30 mounted men galloped up Victoria Road. The report soon spread that a lynching party had started in pursuit of the desperado. The last party followed closely after Marsden, and after the latter had passed through Victoria and was proceeding along the Sandy Creek Road the pursuers were joined by a dozen or so more heavily armed men. For a distance of over four miles the pursued and the pursuers rode at a rapid pace. It was only after having crossed the Sandy Bridge that Marsden laughed and advised the self appointed vigilantes to go back home. The two or three of the pursuers rode forward, when suddenly the Marsden crowd leveled their guns at them. This completely unnerved the avengers, who fell back, and several wild shots from Marsden's gun put the would be lynchers to flight. The latter were careful, however, to have reached DeSoto and created the wildest excitement. The truthfulness of the report was not known, however, until the alleged lynching had been investigated by a special correspondent of the Globe Democrat. May 14, he was arraigned for trial, charged with murdering Anson Vail but succeeded in obtaining acquittal. Although foiled in their design at the time the avengers were determined to rid the neighborhood of this scourge. They bided their time with the results already mentioned. Exactly how the killing occurred has not yet been learned but from the most reliable information obtainable it would seem that the outlaw was shot in ambush.

### **Hillsboro via DeSoto Missouri, August 30, 1883**

News had just been received here that Mack Marsden and Allen Hensley, were shot about two miles north of Antonia, while riding in a buggy toward home. Marsden is reported dead and Hensley not expected to live, having twenty eight buck shot in him. The news seems to be reliable as it is sent to Esq. Eddinger, living at Antonia with a request for the

Coroner to hold an inquest. The news caused great excitement here and parties have already started for the scene, twelve miles north of here. Allen Hensley, who was with Marsden and who is reported as mortally wounded, was a member of his gang. Marsden's record---The record of the slain robber and desperado is a long one and includes, besides robbery and arson, several murders. One of the murders attributed to him was that of Joseph Yerger, the postmaster and storekeeper, at Antonia. It was on the night of Wednesday, March 29, 1882. Yerger, his wife and four children, a hired girl, two boarders and a lightning rod peddler accompanied by his boy, were asleep in the house. At midnight or about that time, the occupants of the house were awakened by stifling smoke and crackling flames that filled the room. All made their escape from the burning building half hid and sought refuge in an out house. Yerger was at the pump, filling buckets with water to extinguish the flames, and was bending down with a downward stroke of the handle, a shot was heard. Yerger staggered a few feet from the pump and fell a corpse. He was picked up by the terrified neighbors and carried to a blacksmith shop across the road from the store. It was then found that three large buckshot had entered his body, one piercing his heart. In the darkness the murderer escaped, and the villagers still badly frightened, thought it useless to make any search. Circumstances that transpired previous to the tragedy directed suspicion to Marsden as the assassin. About a year before the Yerger murder occurred and equally terrible tragedy which doubtless led to the first mentioned. An old man named Vail, living alone in a cabin about a mile from Sandy Creek Store, was found dead in the burned ruins of his home. The fire had occurred early in the evening and an investigation showed that Mack Marsden had been there. Marsden admitted having been at Vail's cabin and explained that his visit there had been to pay Vail ninety dollars for some cattle bought from the old man. The general belief was that Marsden had robbed the hermit, murdered him, and then fired the cabin to conceal the evidence of his crime. Sometime later Marsden was at Yerger's store and displayed some money which Yerger recognized as having been paid only a short time before to Vail. Yerger openly charged Marsden with stealing the money. Although the rest of the community dares not whisper any suspicion against the dreaded desperado, Yerger, however, was a fearless man and some time after, when the grand jury was about to meet, he disclosed his intention of calling attention of that body to the murder of the old man Vail and promised to furnish the necessary evidence. Marsden was apprised of Yerger's intentions and before the grand jury met the postmaster's house burned down and he was murdered. The crime was promptly fixed on Marsden. For five years Marsden was the leader of a gang of desperadoes composed of five young men who carried on a systematic stealing. Often when a victim threatened to invoke the assistance of the law, his house and barns were burned and his cattle and stock driven off. Thousands of dollars worth of cattle and hogs, especially the latter, were stolen by the gang and sold in this city.

### **Jefferson Democrat, September 5, 1883**

Another Horror - The murder of Mack Marsden and Allen Hensley, which occurred last Thursday, is the latest paragraph in the chapter of horrors that has disgraced our county during the past few years. The two men were returning from St. Louis in an open buggy. Thomas Beckerleg was some minutes in advance of them and W. C. Fine about the same distance behind but neither near enough to hear the report of the guns, though this is

probably by reason of their wagons, rather than the distance they were from the scene. Mr. Fine, who was carrying the mails from south St. Louis to this place, was the first to discover the tragedy. About two or two and a half miles beyond Antonia, he came across a man lying in the road. He thought at first it was some drunken person but his horse refused to pass, caused him to make a closer inspection, and he found it to be the body of Mack Marsden, riddled with buckshot. He at once went to Mr. Meng's the nearest house to the place and brought Mr. Mengs to the scene to watch the body while he drove to Antonia. When he got there he found Allen Hensley there being cared for by the citizens. The assassins had been in wait and as Mack and Allen approached in the buggy, had emptied their shotguns at them, Marsden falling out dead and Hensley falling back into the buggy, badly crippled, with his head hanging over the hind gate. In this condition the horses carried him along to Antonia, where he was taken from the buggy and medical assistance sent for. When Mr. Fine came up with the news of finding Marsden's body, a messenger was sent to Hillsboro and some persons went back and brought the body to Antonia. Sheriff Weaver and several others started for the scene as soon as they heard the news but before arriving there, they met Marsden's relatives taking the body to his father's residence on Sandy. They also tried to convey Hensley home, but had to stop at John Gillman's, he being unable to proceed further. Hensley was able to talk and made a statement to Squire Edinger that John Marsden, Thomas Moss, and Jimmy Moss, were the parties who did the shooting. A warrant for their arrest was issued and they were all arrested that night by Marshall Beal, in DeSoto and lodged in jail at Hillsboro. John Marsden was in DeSoto all that day and can prove an alibi by a hundred persons, and others claim to be able to prove that they were several miles away when the shooting was done. It is admitted that they went to Sulphur Springs that morning and were in the woods hunting, but they say they carried rifles and can prove where they were. The fact that Hensley was so badly mistaken in regard to John Marsden, will have a serious effect on his testimony in regard to the other two men, and as yet no one else has been found who can throw any light on the subject. Dr. Brewster went out to Mr. Marsden's on Friday and held an inquest, the jury finding that Mack came to his death at the hands of unknown parties. The evidence, aside from Allen Hensley's statement, consisted only in the finding of the body by Mr. Fine, and the hearing of three gun shots about noon, by Mr. Mengs. The coroner counted thirty shots in Mack's body, besides the five or six that penetrated his skull. Hensley died Friday night and an inquest was held Saturday, the jury finding that he came to his death by gunshot wounds inflicted by Thomas Moss, Jimmy Moss and John or Allen Marsden, they had the same evidence that was used at the Marsden inquest and these two jury verdicts illustrate how men can form different opinions from the same circumstances. Both men were badly mutilated by the shots, Marsden being struck by as many as thirty buckshot and Hensley by eighteen. Marsden leaves a wife and child and Hensley was unmarried. The name Mack Marsden had become familiar to the people of this county during the past year. He having been accused of various murders, arsons, and robberies, and by a great many he was held in deadly terror. The only time he ever went to trial he was acquitted. He seemed a great favorite with his family, who have all along protested his innocence of the crimes of which he was accused, and claimed that he had been the victim of foul conspiracies. They have been very bitter towards all persons who have had anything to do with bringing Mack to trial and we come in for a good share of their abuse for simply publishing a

statement of facts after the trial was over. ...Monday morning John Marsden was discharged and Allen Marsden arrested instead. Squires Rankin and Goff came up from DeSoto and examined the three prisoners and after a full hearing of all the evidence they were discharged. The States side of the case consisted entirely of statements to what Allen Hensley had told about the shooting. He fixed the hour at eleven o'clock and said to some of the witnesses that he might have been mistaken to John Marsden being one of the men---that if John was not there it was Allen Marsden, Thomas Moss and Jimmy Moss. Enmity between the parties was also proven. Defendants admitted at being out hunting that day from Sulpher Springs but proved that two carried rifles and the third a small shotgun. They proved by several that they were seen near the town of Sulpher after twelve; that being the distance from there to the place of the shooting was eight or nine miles, over very rough country; that a man could not travel the route in less than two hours. Mr. Meng, the only person who heard the shots was at dinner when the shots were heard

**The Democrat, Wednesday, September 19, 1883**

John Marsden plead guilty to hog stealing and threw himself on the mercy of the court, after making a statement of the circumstances. He was given two years in the penitentiary.

**Jefferson Democrat, Wednesday, October 3, 1883**

Sheriff WEAVER lost no time in ridding our county of the expense of keeping the convicted men in jail. Court closed last Thursday and on Friday morning he started, accompanied by Jesse Waggener, Lausen Frazier and Jesse Clark, as guards, taking George Rooker, George Donaldson, Wm. Mitchell, Luther McVey, Charles Miller, Fred. Brown, and John Marsden to the penitentiary. They are sentenced to two years each, six of them for grand larceny and one for felonious assault. Of the seven only one was a citizen of this county. This is the largest delegation ever sent up from this county.

**The Democrat, April 9, 1884**

Upon petition of citizens of this county, Gov. Crittenden has pardoned John Marsden, convicted by his own confession of hogstealing. The people of this county know John's character, and if he intends to lead a different life in the future, he should go where he is unknown and make the right start. We do not believe that he is wanted here, even by those who petitioned for his release.

**The Democrat, December 1885**

Sheriff Hurtgen's absence the past five days was very mysterious, but it is explained now. He arrived Tuesday morning with Thomas Moss, having captured him in Randolph county, Ark. Moss is one of the three men who are charged with the murder of Allan Hensley and Mack Marsden. The Sheriff saw a good deal of Arkansas while he was gone. He is reticent as to how he learned where the accused parties were located. James Moss and Alan Marsden, the two others indicated, he did not find.

**The Democrat, May 19, 1886**

The Moss-Marsden murder cases have been continued over till June 7 on account of the absence of one of the State witnesses. A special jury of 50 brought to court before the

continuance was decided on. Defendants and their friends are much disappointed because the trial did not proceed at this time.

### **Jefferson Democrat, June 9, 1886**

Circuit court is in session this week and Allen Marsden and Tommy Moss and Jimmy Moss are being tried on the charge of murdering Mack Marsden and Allen Hensley on the 30th August, 1883. Prosecuting Attorney Green is conducting the case for the State and Messrs. Dinning and Byrnes and Kleinschmidt are defending. One hundred men were summoned as jurymen; of these forty were selected as competent and of the forty the following were chosen to try the case: E. F. Donnell, John S. Dugan, John Knorpp, Frank Breckenridge, James E. Williams, Jerome Lang, Robert McMullin, Ben Hentcher, Sawney Finney, Jephtha Hammock, Chris Miller, and John Dall. The jury was selected and swore Monday and on Tuesday morning the taking of evidence was proceeded with. Dr. Brewster, who held the inquest, described the nature of the wounds which caused the deaths of Marsden and Hensley: and Wm C. Fine, who was carrying the mail and first to discover the murdered man, told in graphic manner of the discovery. Lena Meng next testified as to hearing the shots fired, three of them, towards where the men were shot. There are about thirty other witnesses, and it is probable that two or three more days will be occupied in the trial. The defendants appear cheerful and confident of acquittal while some of the prosecutors appear just as confident of securing conviction. Up to the time of this writing there have been no important developments.

### **Jefferson Democrat, June 16, 1886**

The Moss-Marsden Trial---The last chapter of the most remarkable case this county has ever had is closed. On the 30th August 1883, Matthew H. Marsden and Allen Hensley, while returning from St. Louis in a one horse buggy, were way laid and shot, about two and one half miles beyond Antonia. Marsden fell dead on the spot but Hensley was taken to Antonia by horse, where he made statements to various persons before his death. On his statement John Marsden, Jimmy and Tommy Moss were arrested and had a preliminary hearing before Squires Goff and Ranklin of DeSoto, who discharged them after hearing the evidence. The next three grand juries investigated the case without finding indictments, but the fourth, which convened in September 1884, returned bills against Allen Marsden and James and Thomas Moss; they in the meantime, had moved to Arkansas, from whence they were brought up for trial some two months since. Samuel Marsden, Mack's father, an old gentleman, who has the sympathy and respect of everybody felt confident from the first that the three accused were guilty parties and has bent every energy to accomplish the conviction. The parties---that is the murdered man and the accused---are all related more or less by blood and marriage, the feeling between them has been very bitter. The trial progressed more rapidly than anyone supposed it would, but the points were closely watched by opposing counsel. The evidence was all heard by the middle of the afternoon of Wednesday, and the lawyers finished their arguments by noon next day, a night session having been held. We took notes of all of the testimony but only have space for the following epitome. After proving the cause of death by Dr. Brewster, the coroner, who held the inquest, and Dr. Hull who was called in to see Allen Hensley before his death, the points made by the State were the fact that the three defendants went out into the woods from Sulphur Springs, on that day with guns,

and the statement made to various persons by Hensley, as to who did the shooting. It appeared that when the shots were fired, Marsden fell dead in the road while Hensley fell back in the buggy and in this position was conveyed to Antonia by the horse. Those who testified to seeing Hensley and hearing statements before he died were Thomas Beckleg, Gabriel Johnston, Frank Bohne, Taylor Lanham, Dr. Hull, G. E. Marsden, P. Eaves, Woodson Hensley, N. B. Williams and probably others. All agreed that Hensley said that, as they were riding along coming up Rock Creek Hill, Mack saw the men and exclaimed, "For God's sake, boys! Don't shoot!" that firing immediately followed and that it was John Marsden, Tom Moss and Jimmy Moss who did the shooting. After word came that John Marsden was positively in DeSoto, Allen said to some of the above named that he might be mistaken as to John Marsden but not as to the other two. G. E. Marsden's testimony was a little fuller than that of the others. He said that Allan, after being told John was not there, said it might have been Allen Marsden. Hensley's statement to him was that Mack was sitting on the right and in talking to him would naturally turn so as to face the place where the parties were in ambush; that after the exclamation it was just a look, a flash and a boom and directly another shot. To Beckleg he stated that the men came out in full view, and to Bohne that they came out of the brush into the road. The place of the shooting was described by several witnesses, who examined it, as a place where the road curved as it ascended the hill, and the grade was tolerable. To the left of the road about ten feet distance was a log, probably ten feet in diameter and twenty feet long. Dirt had filled in to about the top of the log, and the bank on the opposite side is about ten or twelve feet higher than the road. It was very brushy where the log lay, and unless a passerby looked in that direction at the right time a man at the log would not have been seen. G. E. Marsden testified that there was an opening in the brush about ten feet wide and through this opening would a person at the log have been seen and that the opening was on line with where Mack fell. There was plenty of evidence that parties had been stationed behind the log. Several persons testified to seeing where shot had struck the limbs between the logs and road and trees on the bank across the road. N. B. Williams, Louis Adams and Richard Moss, had examined the place carefully, to determine from where the shots were fired, and by getting down behind the log and sighting over the top found that it was on a direct range to where the shots had struck on both sides of the road and also of where a man's head would have been if he were in the road on horseback or riding in a buggy. The time of the shooting was fixed at all the way from eleven o'clock to nearly twelve. It was shown that it was about a quarter past twelve when the horse arrived in Antonia with Hensley. And a distance traversed by him after the shooting was about two and a half miles. Defendants admitted and proved by James Williams and wife and Mrs. Allen Marsden that Allen and Tom left the town of Sulpher Springs between six and seven that morning on a hunt. They further stated that, when out past Sulpher Springs, a half mile or more from town, they met Jimmy and induced him to accompany them, James Williams swore that he saw them again between nine and ten o'clock, and he and James Sweeney and James Foster, and that they were back at the spring before one o'clock. A girl, Lettie Castile, testified that she stayed at Allen Marsden's the night before the shooting; that Allen and Tom came in about eleven o'clock and Mrs. Marsden got supper for them; that they whispered mysteriously and set an alarm clock for half past two the next morning; that they got up when the alarm sounded and loaded their guns while Mr. Marsden prepared breakfast, and immediately after eating started off, and she

next saw them at the spring after dinner; that when Allen and Tom they were very wet with sweat; pulled off their shirts and put them to soak, and Tom was furnished with a clean shirt by Mrs. Williams, her testimony in every point was flatly contradicted by defendants and their wives, as well as by Williams and wife who stated that the girl was working and stayed with them that night and some points were also contradicted by Mssr. Foster and Sweeney. Millie Marsden, wife of John Marsden, but not living with him, testified to threats made by Tom in her presence and in presence of his mother and sister; but was flatly contradicted by all the parties said to be present. A young man, named Wittenberg, said he saw three men pass through his father's field that morning at seven. The field is on the most direct route from Sulpher to the place of the killing. He did not know the men; they were carrying guns or something---might have been guns. It was shown that there were bad feelings between the defendants and the murdered men, but it was also proven that quite a number of other people had talked of mobbing Marsden and Hensley. The defense offered evidence to prove that defendants could not have done the shooting at the time it was done and get back to Sulpher Springs at the time they did; but the State in rebuttal, proved by Robert King, Samuel Marsden and Clay Moss, that they made the trip in August 1884, on foot, in one hour and seven minutes. They went on purpose to learn the time it could be made in, but they carried no guns or weights. It was proven that the shooting was all with shotguns, and the defense showed that only Jimmy carried a shotgun that day, the others having had rifles.

The attorneys all made very able appeals to the jury, closing the argument at noon Thursday. An adjournment was taken for dinner and, on reassembling, the case was given to the jury. The jury was only in retirement a short time until they agreed on a verdict of acquittal. We learned afterwards from one of the jurymen, that they agreed on their verdict before any of the lawyers had spoken. It was a first class jury, and as far as we have heard an expression, everybody is convinced of the correctness of the verdict. The prosecution complains of the absence of some material evidence, but with what was before the jury there could not have been a different conclusion.

**Jefferson Democrat, June 30, 1886**

Circuit Court: The cost in the Moss and Marsden murder case amounted to \$655.32, the cost has been paid by the State.