

DePetersen County Circuit Court
Case #10-
May 1968

Box

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State

vs

Smith, Abraham H.

Misdemeanor in Office

Change of venue from Washington
County; defendant, as circuit attorney,
made agreement with Thomas H. Becket
to not prosecute William A. Matthews,
who had been duly indicted

State of Missouri }
Washington County } Be it remembered
that at a Circuit Court began and held
at the Court House in the Town of Poplar
in and for said County on the 28th day
of October 1867 the Grand Jury returned
into Court the following Bill of Indictment

State of Missouri }
County of Washington } In the Circuit Court
of said County at
the October Term thereof in the year 1867
The Grand Jurors of the State of
Missouri now here in Court duly empaneled
charged and sworn solemnly to enquire
within and for the Body of the County
aforesaid upon their oaths present
That Abraham H. Smith late of
said County being and being Circuit Attorney
within and for the District Judicial Circuit
in said State at and in the County aforesaid
on the third day of May A.D. 1867 did
knowingly wilfully, corruptly, fraudulently,
unlawfully and on purpose then and there
enter into a corrupt and fraudulent agree-
ment contract and promise with one
Thomas H. Becket and other persons to
said Jurors unknown and by the said

Abraham H. Smith Circuit Attorney as aforesaid did then and there knowingly wilfully
compulsively unlawfully fraudulently and in
purposely and in pursuance. And in pursuance
of said Agreement Contract and promise
said to servants as provided by law an
Indictment wherein the State of Missouri
was Plaintiff against William O. Matthews
Respondent which said Indictment had
been returned into Circuit Court of said
County by the Grand Jurors of the State of
Missouri as a true Bill at the April Term
A.D. 1867 of said Circuit Court and which
said Indictment was then depending in
said Court and had not been disposed of
as provided by law.

And so the Grand Jurors aforesaid
in manner and form as aforesaid do find
in the County as aforesaid do say that the
said Abraham H. Smith Circuit Attorney
as aforesaid in manner and form as
aforesaid do find in the County as aforesaid
on the said third day of May aforesaid
did so as aforesaid knowingly wilfully
unlawfully compulsively fraudulently and in
purposely commit a misdemeanor in his
said Office of Circuit Attorney contrary
to the form of the Statute in such case
made and provided and against the

peace and dignity of the State

Upon the Back of which said Indictment
are the following Endorsements

No 234

State of Missouri against Abraham H. Smith
Indictment for Misconduct in Office
A true Bill

Frank P. Mason Sheriff

Witnesses

Wm. A. Matthews
Thomas H. Beckitt
George R. French
Jm. S. Hunter
Robert J. Beckwith
John C. Beckwith

Filed Nov 2^d 1867

W. S. Hunter. CLK

And afterwards to wit on the 2^d day
of November 1867 the following proceedings were
had

State vs. Indictment for Misconduct
in Office
A. H. Smith
Now at this
day comes the Attorney for the State as
well as the Defendant in his proper
Person and the said Defendant waiving

a regular arraignment says that he is
Not Guilty as charged in the indictment

And afterwards he put on the day
aforesaid the said Defendant filed his
affidavit for a change of venue in this
cause which said affidavit is in the words
and figures following

State of Missouri
County of Washington vs The State of
Missouri Against A H Smith. Cir. Ct.
Oct Term 1867. Indictment No 234

The defendant in Office
Abraham H. Smith being duly
sworn on his oath says that the minds
of the inhabitants of said County are
so prejudiced against him that he
cannot have a fair trial in said cause
in said County he therefore prays said
cause to be sent to some other County for
trial where said cause does not exist.
Subscribed & sworn Abraham H. Smith
to before me in Open Court
this 3^d day of
November 1867

C. H. Vail Judge

And afterwards to wit on the day above
mentioned the following Order was made

State of Indiana
vs
Indictment for Murder
in Office
J. H. Smith

Now at this day comes
the Petition by their Attorneys and the Petition
of the said Defendant heretofore filed praying
for a Change of Venue in this Cause from
the reason the Minds of the Inhabitants
of the County of Washington are so prejudiced
against him that he cannot have a fair
and impartial trial and that the Venue
in this Cause be changed to some other County where such
prejudice does not exist being submitted
to the Court It is ordered by the Court that
the Venue in this Cause be changed to the
County of Jefferson and that the Clerk of
this Court make out and send Certified
to the Clerk of the Circuit Court of the County
of Jefferson a full true and perfect
Transcript of the Record and proceedings
had to gether with the original Papers filed
and forming a part of the Record in the
Cause

Whereupon the said Defendant
J. H. Smith and J. B. Hunter
his Attorneys acknowledged themselves jointly

indebted to the State of Missouri in the
Sum of One Hundred Dollars Each lawful
Money of the United States to be paid of
their respective Goods and Chattels Lands
and Tenements. Conditioned that the said
Defendant. A. H. Smith shall and will
appear at the next Term of the Circuit
Court of Jefferson County and on the first
day thereof at a Court to be begun and held
at the Court House in the Town of Hillsboro
in and for said County of Jefferson on the
Sixth Monday after the fourth Monday of
March next and answer to an Indictment
found against him by the Grand Jury
of Washington County for Misdemeanor
in Office and not appear without leave of
the Court thereof

State of Missouri
Washington County ss. J. B. Hunter
Clerk of the Circuit Court in and for said
County do Certify that the foregoing is a full
and perfect Transcript of the Record & Proceedings
had in a certain Cause wherein the State of Mo is
Plaintiff & A. H. Smith is Defendant and was indicted
for Misdemeanor in Office as the same remains of
Record & on file in my Office Witness my hand
& official seal this 22^d day of May 1868
J. B. Hunter CLK

Bill of Costs

W. S. Hunter Clerk

Filing Indices 50 Copies 1.00 doo Jones 25 = \$1.75

Six Shrs for State 1.50 afft for chg ren 25 1.75

Order chg ren 50 Recog Sept 50 1.00

Transcript \$3.00 -

3.00 \$7.50

J. B. Brickman Shff

Issuing 5 Shrs 2.50 1 Am & 1 Shrs 25

2.75

\$10.25

2326

State

~~vs.~~
A. H. Smith

vs. 234

Transcript

Filed January 27th 1868,
E. F. Honey, Clerk
per C. H. Hines, Deputy

COUNTY OF JEFFERSON.

The State of Missouri,

To

*W. A. Mathews, W. A. Beckel,
vs. A. Brunch & Wm. J. Hunter & Geo. C. Brundage*

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *eleventh day of May 1868* at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

the State of Missouri is
Plaintiff, and *A. A. Smith is*

Defendant, on the part of

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *6th* day of *April*, A. D. 186*8*.

Elias F. Honey
Per *Geo. J. H. H. H. H.*

SUBPŒNA.

TO

Jefferson Circuit Court.

May TERM, 1867.

State
vs
W. H. Smith

For State
W. A. Matthews
Thos. H. Pickett
G. R. Fitch
H. J. Hunter & L.
Jno. Brockmire

Shriffs fees \$2.25

Served the within writ upon the within named John H. Matthews
John H. Matthews, Esq. D. French John H. Brockmire by
reading the same in his presence showing the
within named John H. Pickett not found in my County.
Done in Washington County Mo. April 8th 1868
John H. Brockmire Sheriff
Per John S. Clarke D. C.

COUNTY OF JEFFERSON.

The State of Missouri,

To

John C. Duckworth vs John A. McHarris

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *Eleventh day of May 1868*, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Michael

Plaintiff, and

Wm. H. Smith is

Defendant, on the part of

Michael

and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this . . . day of *March* . . . A. D. 1868.

Elias F. Honey

Clerk.

Per Thomas Dept

SUBPÆNA.

TO

Jefferson Circuit Court

May... TERM, 1867.

State

vs
A. H. Smith

To State

Jno C. Burdett
W. A. Matthews
John Bell

Sheriff. fees \$1.50

Severed the within writ upon the within named
John D. Breckinridge. Joseph Matthews & John. Breck
by meeting the same in their presence returning
them in Washington D. C. Mo. June 8th 1868
John C. Breckinridge Sheriff
Per John D. Clark Re 234

COUNTY OF JEFFERSON.

The State of Missouri,

To Will Beckett, John A. Mather and

Geo. A. Hancock, John D. Smith & Geo. A. Hancock

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the eleventh day of May 1861, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

of Missouri
Plaintiff, and as Smith is

Defendant, on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 6th day of April A. D. 1861.

Elias F. Honey Clerk.
Per Geo. A. Mather Deft.

SUBPÆNA.

TO
Jefferson Circuit Court

May TERM, 1861.

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75
5.25
2.25

State
- vs -
A. H. Smith

For State
The H. Beckett
Wm A Mathews
Geo L French
Wm J Hunter
Jno C Brockmire

Shiffs fees \$2.25

Where the within writ by reading the same in the presence
and viewing of the within named J. H. Mathews, Geo. L.
French, W. J. Hunter & John L. Brockmire. The within
named J. H. Beckett not found in any County
Done in Washington County this 21st day of May 1861.
John L. Brockmire Sheriff
The John C. Clarke D. C.

The State of Missouri

got

Stephen Smith

No 23445

Mispoleman i Ofri

The Defendant Moves To

The Circuit Attorney has certain

There is no allegation of an agree-

To hold this Instrument good

G I Van Hise

Cousell per Deft

234x5-

S. L. T.
apt
A. H. Smith

Provi to Guest
Ind. to Mr 23308

G. J. Van Allen
Attest & Deft
Provi
Mo

Filed May 11th 1868
E. J. Harey Cl.

State of In the Jefferson co, Cin. Ct.
my Motion to quash indictment
H. Smith vs Bill of ex. sept. 234

Now on this 12th day of May 1868
said cause coming on to be heard on
a motion to quash the indictment
in said cause which motion
is as follows to wit (On which)
which having been seen and con-
sidered by the Court, the Court doth
overrule the same and then and
there the Court excepted to such
actions and decisions of the Court
therein and ordered that his bill
of exceptions be given to the Court
to sign and allow the same
which is accordingly done
whereas our Court and do
the day and date of aforesaid
J. H. Vail Judge

no 234

Stott

by

Smith

Ball of Receptions

Dated May 12th 1888,
E. F. Honey Co