

NEW

FILE

BEGINS

Jefferson County Circuit Court
Case Files - Criminal

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Box 28 Folder 3

March 1871

State

vs.

Reppy, George

Murder

Killed Hiram E. Reppy with a
knife; depositions

~~The people were all standing~~ The greater portion of them were plying him with questions in regard to the affair. I heard what George said, it would be very difficult to state what he did say - some were asking him how did it occur? & some who struck first and some how did it happen. I couldn't state all that was said for this reason. Dr Beamer was present he said he had been up to see Edlbridge, he was talking to George. He said he didn't think him severely hurt at all, that it would all be right again in a few days. With that some began to talk pretty freely and said George had done just as they would have done, that if he had jumped on them they would have cut him too. George seemed to be talking pretty freely with them, and just at that juncture I left the house and went up to see Edlbridge, leaving George sitting on the crutch. I could not make a statement of what George said there, for I was very much excited from Cady's coming in & attacking George about what George should have said. Cady said him in reply to some body's question as to what caused the fuss, said he George now have plenty of witnesses to prove that you said it. I told Cady to leave & go home or I would put him under arrest, for I believed he was the immediate cause of the whole affair. When I returned from seeing Edlbridge, I found but few in the house.

When I met my Brother last Tuesday evening on the road to Sebok, on more speaking of our afflictions, and he said that he knew just as well 2 or 3 hours before the difficulty took place, that it would take place as he did afterwards.

and he said he begged and plead with Ell. not to take any measures with him that would prove dangerous in the heat of passion, the knife produced, is George's knife. he has it is the one he has been carrying, he brought it up with him from Hatchery, some 3 or 4 months ago, it is his pocket knife.

+ When my son is under the influence of passion he becomes momentarily violent, when his passion bursts he is liable to extravagant acts, but it works itself off in exaggerated expressions, when I went in the drug store & saw several persons that George was in an excitement, at that period of the passion after the burst, it was working off as I said before in exaggerated talk, expressions, the indications were that he had recently been highly excited. I don't know whether through fear or anger, I must say anger, the indications were that he had been highly excited, Dr. Beaman, John Smith, Elbert Smith, Gust Hamel, Cady came in at that time, there in there then, Chap Foster came in afterwards, I was in there when Chap came in, Samuel had just released George when Chap came in, George was walking out, I think he was just on the threshold. I think Chap arrested him in the house, my opinion is that Geo. didn't step out of the door, it was a rearrest, he had been arrested & Samuel released him, & Chap rearrested him in the drug store, I think Geo. was standing right by the door, George was certainly considerably agitated when Chap arrested him, I should say he was highly excited that kind of excitement I

spoke of. I don't recollect definitely what any one person said to George, I do not recollect Chap. saying to George in the drug store, "This is a pretty bad scrape you've got into, I have no recollection of his saying that at all, I did not see George take the knife out of his pocket and say to Foster this is what I done it with, George gave the knife to me though, I couldn't say as to hearing Chap say to George that he had noticed a wound on Ell, that he could put his thumb in, the only individual conversation that I remember was Chap talking to Hamel, Hamel had released George & George was starting out when Foster joined in line & began talking to Hamel, there were few in there at the time, He said that Ell was wounded pretty badly, I forget now as to how he said he was wounded, He suggested the propriety of holding George,

I am not sure that when Foster arrested George in the drug store there were any body in there but Hamel & myself & Foster & George I am inclined to think there was not, George was not saying any thing at that time, Chap said to George when he arrested him, I'll have to arrest you George, & I think Geo said I'll go with you Chap, He seemed to be moved. He had thought it seemed that there was nothing serious & when he said that Ell was seriously wounded, it made him feel solemn about it, He did not seem to be excited so much as solemn he felt moved about it, I have no recollection of hearing Mr. Foster say to George I'll have to This is a pretty bad scrape you've got into, I have no recollection of

arrest you, Mr. Foster did not arrest George till
 after he came in the store & spoke to Hamel about it,
 & then he arrested him, I know Mr. Foster did
 not arrest George in the street and bring him
 in with him and then ask Hamel about it,
 I am positive of that for I had my eye on
 George all the time, I am positive of this and am
 positive that when I met Hamillie Sheppy he told
 me that he ~~knew~~ the fight was going to come off before
 it did come off as ^{well} as he did afterwards. I am
 positive of both. I am as positive of one as of the
 other, I don't know of any thing to have prevented me
 from hearing any conversation between Geo. & Foster at the
 time when he was in there & only my self, Hamel, Geo & Foster
 were in there. I didn't see George show the knife
 to Foster, He gave it to me, I don't know of him
 showing it to Foster, Foster might have seen it, but I
 don't know of his showing it to Foster, I heard George
 say that was the knife he done it with the question was
 asked where is the knife or what kind of a knife was it
 done with. George pulled the knife out & I took hold
 of it. I don't know that the question was answered, I
 don't know whether Foster was there or not, That was
 before Foster arrested George, after Foster came in
 & re-arrested my son, if he had taken the knife out
 & showed it to Foster & said this is the knife I done it with
 I certainly should have observed it for there was nothing
 else to attract my attention at the time, I don't think
 there was a word said about the knife then, Foster

took him off in about 5 minutes, and there was not much time for any thing like that to have taken place. I don't recollect of Geo. asking Mr. Foster if there was not more than one cut on Ellis today = I can't say that I heard Geo. remark to Mr. Foster that there ought to be two cuts. I don't know whether I had the knife in my hand when Mr. Foster was in there or not. He might have been in there and we not have known it. I did not have the knife in my hands when Mr. Foster came in and re-arrested George. I did not hear Chap say to George in the drug store, This is a pretty ugly scrape you have got into & George replied yes if it was to do over again I would not do it, I was in hearing distance of them if it had been spoken any thing like that. I have no recollection of hearing any thing of the kind, it was all quiet inside the drug store after Foster came in.

I don't recollect of hearing George say to Mr. Foster there that he was as cool & deliberate as ever he was in his life. I don't recollect of hearing such language used at any time, either that or language of the same purport.

~~The~~ I do not recollect any thing definitely that George said, while in the drug store, in regard to the cutting, I do not recollect any thing he said in regard to the cutting.

When my son took the knife out in the drug store I examined it & handed it back to him. I didn't see it taken out any more. I didn't see it any more until I saw it here. The question was asked what kind of a knife was it, & he took it out. I can't state who

asked that question, it was during the general questioning & talk - John W. Smith & Albert Smith, & a number of others were asking questions, they too were asking questions, and I am quite sure there were others but I don't remember now who they were, I couldn't tell who asked any particular questions. I couldn't tell who it was that said if Ell had jumped on him he would have done just as George did, It was one of some 12 doz. individuals, I am certain the remark was made, I am certain that a good many questions were asked but I could not say who asked any particular questions, I think it was on Tuesday evening last, that I had this conversation with my Brother that I have related, as I was going home from Millsboro, on the hill just this side of Dugan's. He said that he knew just as well 2 or 3 hours before it did occur, as he did after wards, and that he begged & pleaded with Ell. not to state any thing about him that he would do damage with in the heat of passion, these were just about the exact expressions, just about verbatim. We were talking about this affair that is now being tried, we were talking in particular about the difficulty between Geo. & Ellbridge, He said just these words, he didn't say anything more. He did not say that he knew any body was going to be stabbed, He didn't give any reason why he didn't want his son to have any arms with him, I do not know when it was that George went in to the Bar room at Daugherty's, it was not more than 30 minutes from the time he left home, till the cutting was done,

George & I had been chopping wood during the day.

I think George was down in town after the mail about 9 or 10 o'clock. That is my impression. He had not been down in town any other time that day to my knowledge. My opinion is that he went down after the mail in the morning and did not go down any more till after supper. That is my impression. When myself & wife came down it was about dark. You came in advance of us. It must have been about dark when he got down in town. It was twilight. It was between sun down & dark. It could not have been quite dark, for we eat supper with out a light. It was between sun down & dark. It might have been more than 30 minutes from the time he left home till the thing was reported to me. It might have been three quarters of an hour. George was usually at home at 8 o'clock. He would frequently go down after supper but he was usually in bed at about 8 o'clock except he was out at a little party or something. It was not an invariable custom of Georges to go down in town after supper only occasionally.

B S Rappap
 Swore to & subscribed before me Oct. 6th 1870
 G. J. Lawrence

October 7th 1870,

William Clark, on part of defense, being sworn
deposed and says, I knew him in Hillsboro,
Jefferson county. I was at Desoto on the 27th of Sept,
when a difficulty took place between Minnie & Reppy,
and George Reppy - I went in to the bar-room. Ell
Reppy was sitting at a table, and I walked in passed
him and turned around & saw that it was him, & then
I said good evening and shook hands with him,
shook hands with Ell, and I believe I passed the time
of day with George. I didn't hardly know his name. I
had seen him there in Desoto a few times, Ell Reppy
asked me if I would play a game of screw-up, and I
told him no, that I didn't come there for that business, that
I had just come down from Victoria, and he asked me
if I fetched my revolver along. I told him no, I didn't
& carry any revolver, and he said when you come to
Desoto you ought to fetch something of that kind, a knife or
a revolver. I told him I didn't think it was necessary,
I never carried any such thing myself. He turned his
attention to George Reppy then and went to talking to
him. George was about 5 feet from us during the conversation
between me & Ell that I have detailed, he was sitting with
his back to the wall and his right hand on a table. There
was not to my knowledge a table on George's left close to
him, there was some chairs. During this conversation Ell
Reppy was sitting on a chair, with his feet ^{under} a table on
the same table that George was at, after this conversation
took place I went & set down in a chair, some 4 or 5 feet
from Ell & probably some 6 or 7 feet from George and

rather to the back of Ell, I probably could have touched him in the back. After I set down, Ell commenced talking to George, the way he commenced, ~~talking~~ to George was this he said if you have said so & so about me, I intend to horse whip you till you ^{are} like a puppy. The only remark George said to that was he said that was business. I think that was the remark he said at that time, well I think Ell said Yes, God-damn it I can do it you know I can = George told him that was easier said than done = well they talked about the same thing & he talked of cow hidding him & Ell said that Cady & him, & three of them were concerned in it. I don't remember the other name at all. He went on & talked about the same thing for some time! The run of the conversation was about his cow hidding him he said it was some 2 or 3 times, that he would cow-hide him till he paid like a puppy. The quarrel was to have been about George & these men, George should have said something about him, Ell charged him with saying something about him, I did not find out who it was George should have been talking to, Cady's name was mentioned some how & some other man, Russell I think was the name, George told him that he hadn't said any such thing, that, that they were talking about, what he had accused him of saying I don't know, George told him that he didn't want no difficulty, that he didn't come there to fight, he said he was no pugilistical man, he didn't come there to fight, he said he was willing to go to the parties that Ell had heard that he had talked to, and satisfy him, that what Ell had heard that he said, was

not so, the conversation then stopped for a moment and then it seemed to commence again about the same thing I have told before about some whipping - He seemed to insist on punishing George, the conversation stopped for maybe 2 or 3 minutes, and then commenced about the same thing over again, after this momentary stoppage, Ell Reppy commenced talking to ^{George} ~~Ell~~ about the same thing, he repeated it over 2 or 3 times, he said he was going to whip him, & says he God damn you, you know I can do it, George didn't say any thing only when Ell would say he was going to whip him, that it was easier said than done, he didn't say any thing only make some such answer or stout, He told him twice that he didn't want any difficulty, He says - God damn you, you and your father, (meaning Geo, & his father) have stole enough off my father, & God damn you I intend to whip you, He says I intend to whip you, He says You are a God damn son of a Bitch and I intend to whip you = George told him that, this was just as good time as any, if he was going to do it, and Ell Reppy raised up on his feet, and as he raised he struck George, George was just about half raised up when he struck him, I raised up and when I raised up Ell Reppy had George right over the head, he held his right ~~hand~~ a hold of his coat, Mr Bondell was at the Bar he had been drinking a glass of Beer, he rushed in & caught George around both of his arms, and some one I don't know who it was, a justice or some the hold, I don't know his name, caught Ell Reppy, He caught over Ell's left arm and under his right and pulled, and Ell still had hold of Georges coat, over his shoulder and

Breddell, pulling one way & the other man pulling the
 other way, & Ell having hold of Georges coat, pulled his
 coat with ~~with the~~ ^{the} exception of a piece at the collar. They
 got then apart, and this ^{I call him a piece} ~~part~~ took Ell of up the steps
 and told him to go away, Ell went off up the steps and
 was gone a short time and come back down the steps
 again. He comes within about 2 steps of the bottom of the
 stairs. I was standing there, I told Ell he had better go
 back, and not to have any more difficulty, Ell
 went off up the stairs, and in a short time, Breddell
 come down into the saloon and told George, that he
 would have to arrest him. He says, Ell is cut, and
 George made the remark, that all he done was in self
 defence, George said that he had struck him three times,
 and George went with Breddell out of the saloon and
 went off, during the quarrel, I told Ell Reppy this,
 when George told him that he didnt want any trouble about
 what had been said, & Ell had said about home whipping him
 & as I have stated I said to Ell this, that he had said
 enough, that George had ^{that you had not said such things} said enough to satisfy him, and
 that he ought to go with George to the pastor, I dont think
 Ell made any reply to me, I told him that George had
 offered every thing reasonable & fair, about it, & that he ought
 to hush, that he had abused George enough this was
 before the fight, He says to George this, any one of you three
 I dont care which one it is I intend to come hide till you
 his like puppies, any one of you three, and I dont care where
 it is, where ever I meet you I intend to come hide you
 till you his like puppies. When I said what I have

stated, one of the Barnets, I forget his first name, said, Yes that ought to satisfy Ell, & I wouldn't say any thing more. I don't say as I saw Ell strike George more than once, Ell raised up & as he said he struck George and then he was between me & George. Ell grabbed him with his right hand. He did not have hold of him where he struck him. George's chair was right against the wall and after Ell struck him & took hold of him, there is a lamp stands against the wall, he jammed George against the wall & knocked the lamp down. I don't know as they knocked the lamp down, they knocked it around, it is a smelly lamp. I guess they knocked part of it down I didn't pay much notice to the lamp I know it swings. - ~~When~~ ^{When} ~~Bredell~~ ^{Bredell} came into the saloon Ell Reppy was sitting in a chair. I think if I am not mistaken he stood ~~there~~ a while with his back towards the counter facing Ell Reppy & George. He stood there a short time & heard the conversation & started around whispered in Ell Reppy's ear, and after he whispered to him a short time he raised up, and turned around to the bar and called for a glass of Beer. He drank it of course. ~~When~~ ^{When} Bredell's back was to Ell Reppy & George the time when the first blow was struck, drinking his beer. The time that Ell told George that him & his father had stole enough off of him, and that he was a God damn ~~son~~ ^{son} of a Bitch & he could whip him. He started his fist across the table nearly in to George's face. He struck the table with his hand several times, a man from St Louis by the name of Fowville was with me at the time, he sat to my left. George sat at an angle to my left with his back to the wall & his right arm on the table. Ell was sitting with his

right side towards George. I did pay particular attention to the difficulty, because I was well acquainted with Ell, Reppy and not with George at all. I was expecting a fuss from what Ell, Reppy, was saying and I therefore watched it with particular attention. I don't know what Ell Reppy came back for, whether he came back for his hat or not I couldn't say, then Bredel went out with him. Ell, Reppy's talking was pretty rough. he spoke in a pretty high tone I thought he was angry, men don't usually talk that way unless they are,

+ I say that Mr Fennible was with me during that time. I saw him here the other day. I understood his business was to testify in this case. He might have about 2 or 3 feet apart while this difficulty was going on. Me & Mr Fennible was not conversing a great deal while this difficulty was going on. we might have spoke some together I recollect, of making 2 or 3 remarks to him, my self. Ell struck his hand down on the table several times. Ell was still sitting down when he motioned his feet towards George's face. - George was sitting with his back to the south wall of the Bar room, & Ell was sitting to the same table, facing George like, his body was towards the bar. he sat with his feet under the table. he was sitting in a chair, one edge of the table was near the wall. I don't know whether any of the table was between them or not, they were both sitting at the same table, Ell when he motioned his feet, still kept his seat. I am positive that when Ell left the Bar room after the difficulty - that he came back down the steps, within 2 or 3 steps of the bottom. I was within about 3 or 4 feet of Ell, when Ell struck George the first blow. I don't know whether I could have reached him or not. his back was

towards me, I might have been perhaps moved to his right side than to his back. The Bar room at that time was lighted with lamp light, it was after dark.

I did not see George Reppy strike Ell, ~~any~~ time. I am positive that George & Ell was no such distance as 6 or 7 feet apart, at ~~any~~ time during the quarrel. I am positive that when they were separated that the Porter took Ell to the steps and started him up. I am positive that Bridell did not at that time go out with Ell. he had hold of George Reppy at that time. I am also positive that it was Mr. Bridell that arrested George. I am positive that the man who arrested George did not go out of the Bar room, between the time the difficulty occurred & the time Ell Reppy, after he went out of the house, came back down onto the steps. I am as positive that it was the Porter who took Ell Reppy to the steps the first time, as I am that Ell Reppy struck the first blow. I am as positive of one as of the other facts. I am positive of this fact: that it was Mr. Bridell who arrested George, who told George that he had cut Ell, and that he must arrest him. It might have been perhaps 10 or 15 minutes from the time Ell was first taken out of the Bar room until Bridell arrested George. It was about 5 minutes more or less from the time Ell Reppy first left the Bar room after the difficulty, until he came back upon the steps, as I have stated. Ell went up the steps and Bridell followed him shortly afterwards. They might have met out together I could not say. Ell came down on the steps and I spoke to him. he might have stood there a minute before he went out. Ell did not at that time come entirely into the

Bar room, he stopped before he got to the foot of the stairs. It might have been 10 minutes I should judge. I won't say positive from the time Bredell left the Bar room till he came back to arrest George. It might have been longer. I won't say positive, it was a very short time, I should judge it was about 15 minutes from the time Ell was first taken out of the Bar room till Bredell came back & arrested George. I won't be positive, I won't say 15 minutes or I won't say 20 minutes. George was in the act of raising when Ell struck him. I am positive that he was not entirely erect, but partly so. Ell struck George & then grabbed him over the shoulder. I couldn't see George for Ell was between us. I could only see a portion of his legs they were both to their feet at that time. I don't mean by that that Ell had his arm around George's neck. I don't mean any such thing. I couldn't tell how many blows had been struck when Bredell rushed in between them. I had seen but one. I think when Bredell rushed in there, he threw his arms around George's arms. When Bredell rushed in, he caught both arms around George's body above his arms. George could not have used his arms to strike Ell, in that position much of a lick. I don't know but that he might have struck him, he couldn't raise his arms up. He might have struck Ell, a light blow. I don't know whether he done it or not. I don't think that when Bredell had his arms around George, that George while in that condition could have struck Ell Reppy so as to have hurt him. I think Bredell when he grabbed him round the body just pressed his arms down to his body, this is my judgment about it. Bredell had George & the other man had Reppy.

When Birdell turned around & then jumped between them, they were together when he jumped between them, they had not been together long, when Ell was talking about shipping George. George said that was as good time as any. The fight commenced right away after that, when they were parted. I don't remember hearing George say that cow hiding is not as easy as you suppose or words to that import; all I heard him say afterwards, was when Birdell came to arrest him & told him that he had cut all, ^{and talking} ^{rough} he said that all he done was done in self defense = " Ell was talking pretty ~~loud~~ when Birdell ~~came~~ ^{start} ~~there~~ in front of the table, after he first came in,

Re. Ex. = When Ell jumped to his feet George was sitting in his chair, he was about half raised up when Ell struck him = Re + ~~if~~ I can't state whether George got up quick or slowly, when Ell struck George George was about half raised up and then after he struck him he caught him with both hands, I could not tell you any thing about how long he held him with both hands he had hold of Geo. with one hand when Birdell had hold of Geo. & the Porter had hold of Ell Repp. he kept hold of George till they was pulled apart, and it pulled George out most sure. I have stated that from the time they were parted till Birdell arrested George was perhaps 15 minutes, I could not say exactly, some where in that neighborhood during that time I don't remember of hearing George make any remark about the difficulty, only what I have before stated, about when Birdell arrested him. I couldn't say whether Mrs. Venable stood in the Parsonage till George was arrested or not

I cant tell whether he staid in the Bar room
or not, I think that during the difficulty Eel told him
he was a God-damned liar, George didnt call him
any names at all, Eel Reppy called Geo. a God-damned
little puppy several times,

Wm Clark
Sworn to & subscribed before me Oct 7th 1870

E. J. Gottrich

on part of defense
A. M. Tyler being sworn ~~being~~
deposeseth & says

I am acquainted with Geo. Reppy,
I have known him nearly a year, I know George
generally character for peace & quiet in the community
in which he lives, It is good as far as my
knowledge extends, from the reputation he has, from the
speech of people + I dont know how many people I
have heard speak about it, I never heard his
character for peace, discussed before this difficulty came
up, I have not heard his character discussed previous to this time,

I have heard several persons say he was a peaceable by since
this difficulty occurred,

A. M. Tyler

Sworn to & subscribed before me Oct. 7th 1870

E. J. Gottrich

James C. Power on part of defense being sworn
deposeseth and says, I am acquainted with Geo. Reppy, I have
known him for some 4 or 5 years I know, His general conduct
has always been quiet, respectable as far as I know & as far
as I have heard, I always looked on him as a

quiet young man, + I dont know as I ever heard
his character for peace & quietude spoken of in the
neighborhood in which he lives, I dont know of any
instance in which his character came up

Wm. C. Parker
I know to & subscribed before me Oct 7th 1870
G. J. Johnson

State:
vs
Geo. Repp
in the Circuit Court of Jefferson
County Missouri
Where John Williams was
Sheriff of Jeff. Co. Mo.
by J B Mop & Deputy

Filed Oct 11 1870
C. F. Harvey, Clerk

State
vs
Geo Repp

2866

State of Missouri, } 15th Judicial
County of Jefferson. } Circuit.

In the Circuit Court of Jefferson County,
Missouri. March, 1871, Term.

The Grand Jurors of the State of Missouri,
duly empanelled, sworn and charged to
enquire within and for the body of the County of
Jefferson aforesaid, upon their oath do present:
That one George Reppy, late of the said County,
on the twenty-seventh day of September, in the year
of our Lord one thousand eight hundred and
seventy, with force and arms, at Jefferson County
^{in the State of Missouri} aforesaid, in and upon one William E. Reppy, in
the peace of God and of the said state then and
there being, feloniously, willfully and deliberately
with premeditation and of his malice aforethought,
did make an assault, and that he the said George
Reppy, with a certain Knife of the value of
sixpence, and of the length of nine inches and
of the breadth of one inch, which said Knife
was then and there a deadly weapon, which he
the said George Reppy in his right hand
then and there had and held, the said William
E. Reppy, in and upon the body, four inches above
the naval, ~~as~~ one inch to the right of the middle
line of the body of him the said William E. Reppy,
then and there feloniously, willfully and deliberately,
with premeditation and of his malice afore-

thought, did strike and thrust, giving to the said Hiram E. Peppy, there and there, with the knife aforesaid, being a deadly weapon as aforesaid, in and upon the aforesaid body, four inches above the naval, one inch to the right of the middle line of the body of him the said Hiram E. Peppy, one mortal wound of the breadth of two inches and of the depth of six inches, of which said mortal wound the said Hiram E. Peppy, from the said twenty-seventh day of September in the year aforesaid, until the twenty-ninth day of September in the same year, at the County of Jefferson, in the State of Missouri aforesaid, did languish, and languishing did live; on which said 29th day of September in the year aforesaid, the said Hiram E. Peppy, at the County of Jefferson aforesaid, of the said mortal wound died. And so the jurors aforesaid, upon their oath aforesaid, do say, that the said George Peppy, him the said Hiram E. Peppy in the manner and by the means aforesaid, feloniously, willfully, and deliberately, with premeditation and of his ~~be~~ malice aforesaid, did kill and murder: against the peace and dignity of the State.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That George Peppy, late of the County of Jefferson in the State of Missouri, on the 27th day of September in the year 1870, with force and arms, at the County aforesaid, in and upon one Wiram E. Peppy, in the peace of God and of the said State then and there being, feloniously, willfully, and deliberately, with premeditation and of his malice aforethought did make an assault, and that he the said George Peppy, with a certain knife of the value of fifty cents, of the length of seven inches and of the breadth of one inch, which he the said George Peppy in his right hand then and there had and held, the said Wiram E. Peppy, in and upon the left groin of him the said Wiram E. Peppy, then and there feloniously, willfully and deliberately, with premeditation and of his malice aforethought did strike and thrust, giving to the said Wiram E. Peppy, then and there, with the knife aforesaid, in and upon the aforesaid left groin of him the said Wiram E. Peppy, one mortal wound of the breadth of one inch and of the depth of four inches, of which said mortal wound the said Wiram E. Peppy, from the said 27th day of September in the year aforesaid, until the 29th day of September in the same year, at Jefferson County aforesaid, did languish, and languishing did live; on which said 29th day of September in the year aforesaid, the said Wiram E. Peppy at the County of Jefferson aforesaid, of the said mortal wound died. And so the jurors aforesaid, upon their oath aforesaid do say, that the said George Peppy killed the said Wiram E. Peppy in the manner and by the means aforesaid, feloniously, willfully and

State

Murder
versus 3 1st Degree.

George Rappley

Witnesses.

William Bondel
Hugh Berkley
John A. Smith
Andrew Pool. +
B. F. Butler
David Robertson
Chas Normsple
H. B. Rappley +
C. L. Foster
Geo. Hammett
James Davis
Henry Rogers * (porter at Seabate.)

A true bill

D. A. Sullens

Foreman

Subscribed and sworn to before me this 1st day of March 1871
at New Haven Conn

A true copy of this

indictment served on the
defendant George Rappley,
and delivered to him this
25th day of March 1871, at
New Haven Conn.

~~Attest~~ ~~Attest~~ ~~Attest~~ ~~Attest~~ ~~Attest~~
Minister, in the above sworn.

John W. Claver

Sheriff of Jefferson
County Missouri.

deliberately, with premeditation and of his malice a-
forethought, did kill and murder, contrary to the
form of the Statute in such case made and provided,
and against the peace and dignity of the State.

Geo. D. Reynolds.

Circuit Attorney.

State of Missouri } 15th Judicial
County of Jefferson } S. Circuit

To March Term 1871.

The Grand Jurors of the State of Missouri,
duly empanelled, sworn and charged to
inquire within and for the body of the County
of Jefferson, upon their oath do present:
That George Reppy, late of the said County
of Jefferson, on the twenty-seventh day of
September, in the year of our Lord eighteen
hundred and seventy, with force and arms
at the County of Jefferson, in the State of
Missouri, in and upon one William E.
Reppy, in the peace of the State then and
there being, feloniously, wilfully, deliber-
ately and premeditatedly and of his
malice aforethought did make an assault,
and that he the said George Reppy with
a certain Knife, of the length of seven
inches, of the breadth of one inch, and of
the value of fifty cents, which he the said
George Reppy in his right hand then
and there had and held, the said William
E. Reppy in and upon the left side of
the body of him the said William E. Reppy
then and there feloniously, wilfully,
and deliberately, with premeditation and
of his malice aforethought did strike
and thrust, giving to the said William
E. Reppy then and there, with the

Knife aforesaid, in and upon the left side of the body of him the said William E. Peppy one mortal wound, of the breadth of one fourth of an inch, and of the width of one inch and of the depth of five inches, of which said mortal wound the said William E. Peppy, from the said 27th day of September in the year aforesaid, until the 29th day of September in the same year, at Jefferson County aforesaid, did languish, and languishing did live; on which said 29th day of September in the year aforesaid, the said William E. Peppy at the County of Jefferson aforesaid, of the said mortal wound died. And so the Grand Jurors aforesaid, upon their oath aforesaid do say, that the said George Peppy, gave the said William E. Peppy, in the manner and by the means aforesaid, feloniously, wilfully, deliberately, premeditatedly and of his malice aforesaid aforesaid, did kill and murder, against the peace and dignity of the State.

Geo. D. Reynolds.

1002

State

vs } Murder.

George Peppy.

Witnesses.

William Bradell

Henry Binkley

George John St. Smith

Sandro Poul.

B. J. Butler

Daniel Robertson

Chas V. ~~maxwell~~

W. S. Peppy.

~~W. S. Peppy.~~

C. L. Foster

G. W. Arnold

a copy of this indictment
delivered to Deft Geo Peppy
Mar 21st 1871 at one o'clock PM.
W. S. Bryce clk

Attest
D. A. S. S. S.

D. A. S. S. S.

Forman.

Dated Mar 21st 1871
W. S. Bryce cl

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We Command you to take *George Rapp*
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 *Northwith*
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 *Murder in the first degree*

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

Witness, *W. F. Honey*
E. F. HONEY, Clerk of our said Circuit Court,
with the Seal thereof hereto affixed, at Office this
25th day of *march*

A. D. 1871

W. F. Honey
Clerk Circuit Court.

State

no

Geo Peppy

O. J. J.

John Williams
Sheriff \$1.00

COUNTY OF JEFFERSON

THE STATE OF MISSOURI

In the Sheriff of the County of Jefferson

My Commission Expires

My Commission Expires

My Commission Expires

My Commission Expires

I served the Within Capias in Jefferson County Missouri
on the 25th Day of March 1871 by arresting George Peppy
and having him in custody and by Reading the Capias
to George Peppy

John Williams Sheriff

In Circuit Court
Jefferson County

State

Indicted

vs

for Murder

Geo Ryspy

1st Degree

Now at this day comes the defendant
by his Attorney and moves the
Court to let the said defendant
to ~~trial~~ bail for the following reasons
1st Because the evidence taken upon
the examination in said case
and the same that was used in
procuring the indictment therein does
not show that the proof is evident
or the presumption great as to the
guilt of defendant for the crime
alleged -

Thomas Williams & Leonard
Depts attys

State

Reppes

11
Motion for bail

Filed Mar 27 1881
W. D. Boyce Cl.

The State of Missouri,

COUNTY OF JEFFERSON.

To

Geo. Samuel & Geo. Thornbalt

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 fourth

, 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

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

30 day of

April A. D. 1871

W. J. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1871

State
vs
Reppy

Gus Hamel

John Williams
Sheriff fee \$1.00

The State of Missouri,

COUNTY OF JEFFERSON.

Do

Geo. F. Chamberlin

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 fourth

, 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
Plaintiff, and George Peppin

Defendant, on the part of Defendant; 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 3^d day of

April A. D. 1871

m. J. Dwyer Clerk.

SUBCONA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March

Term, 1871

Turned at 4 o'clock

April 3 1877

9, 6

Sheniff bee 50

284.35
333.00
333.00

950.35

The State of Missouri,

COUNTY OF JEFFERSON.

Do

J. M. Muller Jr.

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, ~~on~~ the *fourteenth*

, 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 *George Rapp* is

Defendant, on the part of *Defendant*; 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 *year* day of

April A. D. 1871

Witnessed Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Term, 18

State
vs
George Peppy

John Williams
Sheriff fee

50

Arrested the within in Jefferson County Mo on the
third day of April 1881 in J. D. Mcmurtin
by leaving the same to him.
John Williams
Sheriff

The State of Missouri,

COUNTY OF JEFFERSON.

To

Charles F. Hovey

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the fourth

, 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 George Peppy is

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

Witness, W. S. Boyce
ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this fourth day of
March A. D. 1871

By W. S. Boyce Clerk.
E. F. Hovey

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Term, 18

*State
vs
Geo. R. R. R.*

*John Williams
Sheriff per 50*

*Served the within in Jefferson County Mo on
The 30th Day of March 1871 on Charles D. within the
by directing the same to him*

John Williams Sheriff

The State of Missouri,

COUNTY OF JEFFERSON.

To

D. H. Cash & Chas. Bissell

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *fourth*

, at Hillsboro, then and there to testi'y 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 *Geo. Reppert* is

Defendant, on the part of *the Defendant*; 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 *29th* day of

March A. D. 187*1*

Clerk.

E. F. Honey

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Term, 18

State
vs
Reppy

State of Missouri }
County of Jefferson }
Be it remembered that on the 30th day
of March 1891. Dr H Berkley
appeared before me the undersigned
a Notary Public within and for
said County, and being duly sworn
upon his oath states that he executed
the within subpoena by reading the
same to D K Gady & to H Bissett
where my hand is.
Wm H Bissett
Notary Public

John Williams
Sheriff 1.00

The State of Missouri,

COUNTY OF JEFFERSON.

Do

H. S. Depp

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *fourteenth*

, 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

Plaintiff, and

Geo. Rippey is

Defendant, on the part of

Defendant

; and herein you are in no wise to fail.

W. S. Boyer

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *4th* *per* day of

April A. D. 187*1*

E. F. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Term, 18

State
vs

Geo Reppy

For Debt
R

W S Reppy

John Williams
Sheriff fee

50

Subpoenaed the within in Jefferson County Mo
on the first day of October 1871 on W S Reppy
by reaching the same to him

John Williams Sheriff

The State of Missouri,

COUNTY OF JEFFERSON.

Do Andy McCormack, George M. McCormack and
Louis Weisschmidt

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 fourth

, 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 Geo. Depp

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

Witness, W. B. Boyce

ELIAS F. HONEY, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 3^d day of

April A. D. 1871

W. B. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Man

Term, 1877

State
vs
Reppy

For Debt,

John L. Boyce \$1,500

I served the within Subpoena on Handley
McGinnis at the residence of the defendant
James H. Lewis Smith by reading the
same in their presence & hearing the
said Handley of said 1871,
Subscribed return to
before me this 4th
day of April 1871.

— McInnes etc

John L. Boyce

The State of Missouri,

COUNTY OF JEFFERSON.

To Gabriel Byrd, John Byrd, James McLamack,

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, ~~on the~~ *on the 10th*

, 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 *George Rappap*

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

W. B. Joyce

Witness, ~~ELIAS F. HONEY~~, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this *Thurs* day of

April A. D. 1871

W. B. Joyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1877

State
vs
Reppy

J^r Deft

John S. Boyce \$150

I have the within subpoena on Reppy John Boyce & James McCombs by reading the same in their presence & hearing, this 11th day of April A.D. 1877
I do hereby certify to
before me this 11th day of April A.D. 1877
John S. Boyce

The State of Missouri,

COUNTY OF JEFFERSON.

To William Mabree

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 28th day of March 1871, 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 Geo. A. Repsfug is

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

W. S. Boyce

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 23rd day of

March A. D. 1871

W. S. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1877

State
vs
Reppy

Wm Mabey
Surrey

John Williams
Sheriff Fee 50

The State of Missouri,

COUNTY OF JEFFERSON.

To

You are Hereby Comanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the fourth

, 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 Geo. Laffey is

Defendant, on the part of State; 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 31st day of

March A. D. 1871

E. F. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1891

State
vs
Geo. Kipp

Don't State
James Davis

John. Williams
Sheriff Fee 50

Papers
To be
Returned

The State of Missouri,

COUNTY OF JEFFERSON.

To William Prindle Knight Perley
John A. Smith Sanders Pool

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 29th day of March 1871

, 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 George Peppery is

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

Witness, W. S. Boyce, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 28th day of March A. D. 1871

W. S. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1871

State
vs
Geo Reppy

Wm Bridell
H Berkley
J A Smith
J Pool

Sheriff fee 200

The State of Missouri,

COUNTY OF JEFFERSON.

To B. J. Butler David Robertson
Charles Vermillion H. S. Peppay

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 29th day of March 1871

, 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 George Peppay is

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

W. J. Boyce

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this 28th day of

March A. D. 1871

W. J. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1871

State
vs
Geo Reppy

B D Butler
Saul Robertson
Chas Vermelle
H S Reppy

Sherriff fee \$2.00

The State of Missouri,

COUNTY OF JEFFERSON.

To

John Harmony Phipps Jr. & John Phipps

D. N. Phipps

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, ~~on the~~ *on the* *fourth* *of* *March* *1871*, 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 *George Phipps is*

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

M. J. Boyce

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this *29th* day of

March A. D. 1871

M. J. Boyce Clerk.

SUBPENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1871

State
vs
Repps

J Harrison
P Hupp
J W Fitch
S Keady

John Williams
Sheriff fee \$2.00

Subpoena The within

The State of Missouri,

COUNTY OF JEFFERSON.

To

C. L. Foster George Hammett

James Davis Henry Seymour

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 29th day of March 1877

, 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 George Reppay is

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

W. J. Boyce
Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this 28th day of
March A. D. 1877

W. J. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1871

State
vs
Geo Rippy

C. S. Foster

G. Hammel

J. Davis

H. Lyons

Sheriff fee \$2.00

State of Missouri } Indictment for
George Reppy } Murder.
In the Jefferson
Circuit Court.
North Term 1871.

Now at this day comes the defendant
in the above entitled cause and
moves the Court to require the Circuit
Attorney who prosecutes for the State
in this behalf to elect which count
in said indictment he will ask a
verdict on ~~for the following~~ and
to dismiss as to the other for the
following reasons.

1. Because the two counts in said
indictment do not set out the
same offense.
2. Because different wounds are
charged to have been inflicted
by defendant on De Ceod, each
wound being charged as mortal.
3. Because the two counts in said
indictment are conflicting & charge
two separate offenses.
4. Because ^{sylt} is entitled to know specific-
ally the charge against him.

William, Thomas & Thomas &
Leonard for Defendant

State

vs
George Reppin

Indictment for
Murder.

Motion to require
~~the~~ Circuit Attorney
to select one
which cannot be
ask will ask a
verdict.

Filed April 24 1871
m f b a y c c l

Partial civility is no excuse, but
there must be an entire absence
of power over the mind.

The Court instructs the Jury that ~~in this~~
~~country~~ no man is bound to retreat when
attacked but may stand his ground and
defend himself using such force as
may be necessary to repel the attack
that if Wiram E. Kappy provoked a
difficulty with Defendant assaulting
him in a violent manner and with
more force than Defendant was able to
repel without the use of a weapon or was
in the act of inflicting personal injury
on the Defendant which he was not in
a situation to prevent without the use of
a weapon and if under such circumstances
the Defendant used a Knife as a weapon
of Defence for the purpose of repelling
such attack and preventing injury to
himself and inflicted a wound or wounds on
said Wiram E. Kappy of which he afterwards
died then in that event the Defendant was
justified under the Law of self defence in
so doing and if the Jury so find
their verdict should be for the Defendant

Refused to sign

5.

Refused

If the Jury believe from the evidence that the defendant killed the deceased, without a design to effect death, in a heat of passion, but in a cruel and unusual manner, they will find him guilty of manslaughter in the second degree, unless they further find that the killing was done under such circumstances as to constitute excusable or justifiable homicide as ~~above~~ ^{herein} defined ⁱⁿ ~~this case~~ ^{xx}; and so finding the Jury will assess his punishment at imprisonment in the penitentiary not less than three (3) years nor more than five (5) years. -

R

If the jury believe from the evidence that the defendant George Rippy had reasonable cause to apprehend a design on the part of the deceased to commit a felony or to do some great personal injury to the defendant and that there was reasonable cause to apprehend immediate danger of such design being accomplished and that ~~the wounds inflicted subsequently caused the~~ ~~death of Herman E. Rippy~~

Refused

objectionable

The defendant struck the fatal blow that caused the death of Herman E. Rippy in order to prevent the accomplishment of ~~such~~ such design then you should acquit the accused on the ground that such homicide is justifiable in the law because committed in self defense. And the Court further instructs the jury that it is not necessary that in order to acquit on the ground of self defense, the danger should have been real or actual or that such danger should have been impending and about to fall on him; it is only necessary that the jury shall believe that the defendant had reasonable cause to apprehend there was immediate danger of a design to commit a felony or to do great bodily harm to the defendant to be about to be accomplished

Refused

The Court instructs the Jury that the admissions of the Defendant as detailed by the witnesses should be weighed with great caution as such admissions are liable to be misinterpreted, or not properly reported by the witnesses and as is frequently the case the witnesses substitute their own language for that used by the accused thus conveying a meaning entirely different from that intended; the witnesses sometimes not reporting all that was said & sometimes giving more than was heard. Hence such admissions are entitled to only such weight as the circumstances surrounding the whole transaction will warrant.

9
The Court instructs the Jury
that general character of any witness
who has testified before them has
been proven to be bad in the
neighborhood where he resides or has
recently resided for truth and veracity
then in that event the testimony of
such witness is impeached and if the
jury so find they are at liberty to
disregard the whole testimony of such
witness
Physically sound for work.

Refused

Steele
(w)
Peppy

Defts. instructions

If the Jury believe ~~from~~ ^{from} the evidence
 that Herman E. Reppy on the 27th day of
 September 1878 provoked a difficulty with
 defendant and assaulted him in violent
 manner and ~~that~~ ^{from} the manner of the
 assault, and from threats made at
 the time of the difficulty and previous
 thereto, by H. E. Reppy towards defendant
 that defendant had reasonable ~~cause~~
 grounds to apprehend that De Ceoré
 would inflict some great personal
 injury upon defendant and he stabbed
 De Ceoré under such circumstances
 then it is self defence and the Jury
 should acquit.

Referred
 Defendant

B

If the jury believe from the evidence that Deceoud assaulted Defendant in a violent manner and from the surrounding circumstances the Defendant had reasonable grounds to apprehend that Deceoud was about to commit ~~some~~ a felony upon him or to inflict upon him some great personal injury upon him, then Defendant was not bound to wait till such felony ^{was} actually committed or such personal injury ^{was} actually inflicted before he could strike in his own defence but he had a right to kill the Deceoud to prevent such apprehended design though there might have been no real or actual danger at the time yet in such case the jury should find from the evidence that Defendants grounds of apprehension were reasonable, before they can acquit

Reasonable apprehension

6.

~~therefore~~
If the jury believe from the evidence
that the deceased threatened the
prisoner George Rippy, a few days
before, that he would knock his
head off, that they met in a bar-
room ~~lighted up~~, when they could
see each other, that the deceased
pressed for a fight, but the
prisoner retreated a short dis-
tance, that when the deceased
got within reach of him, the
prisoner George Rippy stabbed
him with some sharp instrument
which caused his death, and that
at the time of the meeting the
deceased Horace E. Rippy had
no deadly weapon, then the
jury will find the defendant
George Rippy guilty of murder
in the first degree, provided they
also find that the killing was done
willfully, deliberately and premedi-
tatedly.

of

murder

Refused

+

+

8

an act

Where ~~an act~~ a killing is committed deliberately, with a deadly weapon, and is likely to be attended with dangerous consequences, the malice requisite to murder will be presumed; for the law infers that the natural or probable effect of any act deliberately done, is intended by its actor.

9

If one seek another, and enter into a fight with him, with the purpose, under pretence of fighting, to stab him, if a homicide ensue, it will be murder in the first degree, no matter what provocation was apparently given, or how high the assailant's passion rose during the combat, ~~for the malice is express~~. If therefore the jury believe from the evidence that the defendant George Reppy sought the deceased, or voluntarily entered into a fight or altercation with him, with the purpose under pretence of fighting to stab him, and that he under such circumstances struck the fatal blow, then it was murder in the first degree no matter what provocation was apparently given, or how high the ~~assailant~~ ~~deceased's~~ passion rose during the ~~combat~~ ^{quarrel}, and notwithstanding the deceased may have struck the first blow.

11
Jury ~~are~~ ^{are} not bound to believe because
said in a conversation proved
by the state, they may believe or
or disbelieve it as it is shown
to be true or false by the evidence
in the case,

2
Refused by accident
A party calling a witness is bound
by the statements of that witness.
Therefore the defendant having in-
troduced the dying declarations
of Miriam E. Pappay as evidence
in the case as explanatory of his
action in the difficulty is by those
declarations

~~Excluded~~ the jury should believe from
 the evidence that Herman E. Replogle
 made the assault upon the defendant
 and that the defendant stabbed the
 deceased with a knife, from which
 deceased afterwards died, yet if
 the jury further find from the ev-
 idence that the fatal blow was struck
~~after~~ by the prisoner after one William
 Bredell, ^{or others} had interfered, and after
 all immediate danger of an at-
 tack or of personal violence to the
~~de~~ prisoner from the said Herman E.
 Replogle had ceased, ^{by reason of said interference} then and in that
 case there is no self defence in the
 case and the jury will not acquit
 for that cause.

given

1. If the jury believe from the evidence in the case, that the defendant George Peppys, in Jefferson County, ^{State of} Missouri, in the month of September 1890, willfully, deliberately and premeditatedly killed William C. Peppys with a knife, the jury will find him guilty of murder in the first degree.

15-
18,

If the Jury believe from the
evidence in the case or from
any other source, that any
witness has willfully sworn
falsely as to any material
fact in the case, they are
at liberty to disregard
the whole of ~~that witness's~~ testimony

14 The jury are instructed that in
Considering what the defendant said after
the fatal act; the jury must consider it
all together. He is entitled to the benefit of
what he said for himself, if true, as the
State is of any thing he said against
himself in any conversation proved
by the State. What he said against
himself the law presumes to be
true, because against himself; but
what he said for himself, the jury
are not bound to believe, because
said in a conversation proved
by the State; They may believe
or disbelieve it; as it is shown to
be true or false by the evidence
in the case.

13
Manslaughter in the third degree
If you find ^{the} Defendant
guilty of ~~murder~~ Manslaughter
in the second degree, you will assess
his punishment by imprisonment
in the penitentiary not less than
three nor more than five years;
and if of manslaughter in the
third degree, by ~~the punishment~~
imprisonment in the penitentiary
not less than two nor more
than three years; or in jail not
less than six months, or by
fine not less than five hundred
dollars or by both a fine of not
less than one hundred dollars
and imprisonment in jail
not less than three months.

11 If the jury find that the deceased struck defendant or rendered him any other personal violence, such violence in the law is a provocation, which extenuates the homicide; but if you find that such violence was brought upon defendant by any unlawful act on his part, then said violence constitutes no lawful provocation, and does not extenuate the homicide.

12 If you find that defendant received such violence at the hands of the deceased, without having brought it upon himself by any unlawful act of his, and thereupon, while in a heat of passion caused thereby, he slays and killed deceased without a design to effect death, but in a cruel and unusual manner, the offence is manslaughter in the second degree.

If the killing was committed under the circumstances last above stated, ^{and with a dangerous weapon} but not done in a cruel or unusual manner, then the offence is

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If the Jury believe from the evidence that the ~~prisoner~~ accused did not intend to kill, but assaulted and killed with malice, as this term is known to the law, then the offense is murder in the second degree. ~~Malice as known to the law, does not mean mere spite, ill-will, or dislike, as it is ordinarily understood, but as applicable to this case, it means the intentional doing of a wrongful act without just cause or excuse.~~

If therefore, you believe from the evidence, that the said Herman E. Repply was killed by the means, and in the manner specified in the indictment; that he came to his death by violence thus inflicted upon him by the defendant, and that such violence was so inflicted upon him by the defendant willfully - that is to say not by accident - and with malice as ^{fact} ~~above~~ defined, ^{by the Court} if you will find him guilty of murder in the second degree, and so finding, you will assess his punishment at imprisonment in the penitentiary for a term not less than ten (10) years.

6
If the jury find that the defendant did wilfully use a knife and stab ^{and kill} Hiram E. Respy simply, because Hiram E. Respy used words of reproach towards him and that he thought of the killing any length of time, however short before he stabbed said Hiram E. Respy the offence is murder in the first degree, and so you should find.

7
If the jury find that the defendant wilfully cut or stabbed, with a knife, deceased and killed him on account of any old grudge, as a matter of revenge or retaliation therefor, then the offence is murder in the first degree and so you should find.

8
If you find the defendant guilty of Murder in the first ^{degree}, you will simply return a verdict stating the fact.

21.

If George Reppis killed Herman C. Reppis with a knife, the law presumes it is murder in the absence of proof to the contrary, and it devolves upon the defendant to show, from the evidence in the cause, to the reasonable satisfaction of the jury, that he is guilty of a less crime, or acted in self defence.

§ 5.

(5)

5

The deliberation and premeditation necessary to constitute murder in the first degree, may be inferred from the ^{facts} circumstances, ^{in most} connected with the killing, ~~except if they~~ ~~existed for a moment, as well as an hour or a day~~ before the killing, it is sufficient.

3(3)

~~6-7~~

Provocation to be sufficient to mitigate or extenuate homicide, as applicable to this case, should amount to personal violence or injury to defendant: mere words of reproach, however abusive or gross soever they may be, or no provocation sufficient to free a party killing from the guilt of murder.

2 Wilfully as here used means intentional, not accidental, Deliberately, means a cool state of the blood, That is not in a heat of passion caused by lawful provocation, and premeditation, means thought of beforehand, any length of time however short

Malice as known to the law and as applicable to this case, does not ~~mean~~ mean mere spite illwill or dislike, but it means the intentional doing of a wrongful act without just cause or excuse, a state of disposition as shows a heart regardless of ~~said~~ social duty and fatally bent on mischief; and passion sufficient to extenuate homicide, is a heated state of the blood, caused by lawful provocation.

The Court further instructs the Jury that the Law of self defence is emphatically the Law of necessity to which a party may have recourse under certain Circumstances to prevent any reasonably apprehended great personal injury to himself which he may have reasonable grounds to believe is about to fall upon him, if you believe that Defendant had reasonable Cause to apprehend a design on the part of Deceased to commit a felony upon Defendant or to do him some great personal injury and that there was reasonable Cause to apprehend immediate danger of such design being carried out and he stabbed ^{and killed} the deceased to prevent ~~to prevent~~ the accomplishment of such apprehended design then the ^{hitting} ~~stabbing~~ is justified upon the ground of self defence and you should acquit.

3

It is not necessary to this defence that the danger should have been real or actual or that the danger should have been impending and about to fall, if you believe the Defendant had reasonable Cause to believe these facts and he stabbed the deceased under such Circumstances as he believed to prevent such expected harm ~~then you should acquit~~.

and if you further believe that the
Defendants Cause of apprehension was
reasonable then you should acquit.

6 - The Court instructs the jury that
if they have a reasonable doubt of
the Defendant's guilt - they should
give him the benefit of such doubt
and acquit, this doubt however
should be a substantial doubt of the
Defendant's guilt and not a mere
possibility of his innocence

objection

Left Providence

The jury have the right to take into consideration the acts & deeds of the decedent at the time of the difficulty, in showing the state of the mind of the decedent towards the defendant.

Attest

Yours

7 The Court instructs the jury that ~~they~~
are it is their province to judge of
the weight of the testimony introduced
before them and if they believe that any
Witness in this Cause has wilfully sworn
falsely as to any material point ~~in his~~
~~testimony~~ they are at liberty to disregard
the whole testimony of such witness

14

The Court instructs the Jury
that it is their Province to weigh
such declarations as they may
believe the Defendant made in
regard to his difficulty with the
Deceased and to give to such declarations
such credit as under all the
Circumstances of the Case they may
believe them entitled

Jefferson Co Mo. Apr the 8th 1870

We the Jury find the Defendant
George Perry not guilty

Saml L Perry. Foreman

Wm. Dace

Mr. Wood

B. Beckler

Mike. Graham

Sam. Meadley

Dedrick. Meyer

Wash. Stephens

~~Charles Stephens~~

Charles. Stephens

Levick. Gomossu

Thomas. Mackrummy

John. Tillison

John. Harness

Anna. Burgon

Christian. Sager

Isaac. Hick

Joseph. Royce

J. C. Royce

John. Raimy

Thomas. Bysner

Frank. Weaver

James. Royce

Samuel. Perry

Samuel. Perry

Philip. Mease

William. Lee

Nelson. Shoulte

George. Kidd

~~Ben~~ Bersee. Kidd

W. H. Biddick

At's am. Biddie

Adolph. Weber

W. Yatt

John. Garry

Sebastian Kohler
Philip Meyer
Sopar Arnold
Adam Rush
Louis Geigler
Jesse White
George Southland
Frank Fredensie
Louis Fredensie
Frank Lindler
Jasper Simin
Christ Grimm
Christ Gaeger
Hritz Meng
Edward Rogers
Deadrick Decker

State of Missouri
County of Jefferson
To the circuit court of
Jefferson County Mo, the following is proceedings
in case of State vs George Reppy, charged with murder,
The affidavit herewith filed of Saml. A. Reppy, was sworn out before
me Oct. 3^d 1870. upon which I issued a warrant for his
arrest, which warrant is also herewith filed, The said George
Reppy, was by me, after hearing the evidence for the
prosecution and defense, held to appear at circuit
Court in Bond of Two Thousand Dollars which Bond,
together with the Testimony written in the case, & the dying
statement of the deceased man H. E. Reppy & the recognizance
of witnesses to appear at circuit court are all here-
with filed,

Fee Bill of G. J. Johnston Co. Court Judge,	
For certificate to affidavit	\$.15
" issuing warrant	.35
" Taking recognizance of 7 witnesses	2.45
" writing testimony 18.50 words @ 10 ^{cts} per 100 words	18.50
" swearing 10 witnesses, at 5 ^{cts} each	.50
" subpoenaing 11 witnesses	3.85
" Recognizance of deft,	.35
	<u>26.15</u>

For this transcript -

\$ 26.40
\$ 6.00

Amount of Witnesses fee Bill.

" " Sheriff's fee Bill

15.00
<u>\$47.95</u>

I certify the above to be correct according to
the Bills claimed & fee bill filed by sheriff

G. J. Johnston county court Judge

Indictment No 21

State } In the Jefferson Circuit Court.
Geo Reppy } March Term 1871.

Indictment for murder in the
first degree.

Nolle Pros. entered and Defendant
discharged.

~ Dec Bill ~

W S Boyce Clerk Circuit Court.

Indictment ⁵⁰ & arraignment ¹⁵ Ent. pleas ¹⁵ 80

Continued from Mar 23^d to Mar 28th 25 25

Nolle Pros as to 2^m Count in indictment 50

Nolle Pros as to whole of said " 50

order discharging prisoner 15

Copy of Indictment Cert & seal for Defendant, 1.50

Copy of Dec Bill Cert of Judge & Cir atty 75

Copy of same after allowance, ~~26~~ 26 ¹⁰ / 4, 71

We the Judge & circuit attorney of the 15th Judicial circuit of the
state of Jefferson do hereby certify that we have strictly
examined the foregoing Bill of costs during the sitting of the circuit
court at the March Term A.D. 1871 and find the same amounting
to ^{Twenty seven & 7/100 Dollars} ~~two hundred and twelve~~ to be correct and that the State
of Jefferson is liable for the payment thereof, We further certify
that a Nolle Pros was entered and said defendant discharged
that the offence charged is a capital one, and that services
were rendered for which charges are made, and that compensation
is given for the services for which charges are made.

J. H. Nail Judge
Geo D. Reynolds, Cir atty.

Copies

State
vs
George Reppert
Jes Bill,

State \$4.75
25-
400

Copies

Indictment No 16

State of Missouri } In the Jefferson Circuit Court.
George Reppy } March Term 1881.

Indictment for Murder in the
first degree. Tried by jury and acquitted.
Dues Bill.

Geo W Sublett Justice.

aff^d 33^c doc^t warrant^{33^c} Transcript^{1.00} Commitment^{50^c} / 2.30

R Washburn Constable.

warrant^{75^c} Taking prisoner to jail^{1.00} 16 miles @ 10 per mile^{1.60} / 3.35

Guard pris^{1.25} Board of Pris^{1.00} horse hire^{1.00} 3.25 / 6.60

Costs accrued on re-hearing of case
before G. Johnston County Court Justice, (Habeas Corpus)

G. Johnston County Court Justice

Cert to affd^{15^c} warrant^{33^c} Recognizances of witnesses^{24.50} / 2.95

writing evidence \$18,500 words @ 10 per 100 18.50

100 calls^{50^c} 11 Subpoenas^{3.85} Recog of pris^{33^c} Transcript^{25^c} 4.95 / 26.40

D. Luchtmeyer Sheriff Before A. Ct. Justice.

warrant^{1.00} 11 Subpoenas @ 50^c^{5.50} Call 11 witnesses^{55^c} / 7.05

For attending Court 4 days @ 2.00 per day 8.00 / 15.05

Witnesses Before Justice.

C L Foster 2 days 1.00 W A Breckell 1 day^{50^c} / 1.50

Sanders Pool 2 " 1.00 Hugh Buckley 1 day^{50^c} / 1.50

Jno Smith 1 " 50^c H. S. Reppy 1 " 50^c / 1.00

B. S. Reppy 1 " 50^c David Porter 1 " 50^c / 1.00

Wm Clark 1 " 50^c Chas Wainwright 1 " 50^c / 1.00

David Robinson 1 day 50^c / 6.50

Amount Carried forward. / 56.85

Amount Bro't forward	\$56 85
W S Boyce Clerk, Circuit Court.	
Ent & filing Indict ⁵⁰ & Capias ¹⁰⁰	\$ 1.50
Special Venire actually ordered ⁷⁵ & ord for venire ¹⁵	90
Arraignments ¹⁵ & Ent plea ¹⁵ & Capias	30
Summing & ent jury & delivering Copy to parties	30
Cont till Mar 30 ²⁵ & ord to remand prisoners ¹⁵	40
Order on witnesses to remain out of court room (not provided for)	15
Cont till Mar 31 ²⁵ & ord to remand pris ¹⁵	40
" " April 1 ²⁵ " " " " ¹⁵	40
Motion to require Circuit atty to elect on Count ¹⁵ & rule ¹⁵	30
Order on Clerk to produce papers,	15
Cont till April 3 ²⁵ & ord to remand pris ¹⁵	40
" " " 4 ²⁵ " " " " ¹⁵	40
" " " 5 ²⁵ " " " " ¹⁵	40
Taking and Ent Verdict ²⁵ & Judgment ⁵⁰	75
Issuing 17 Subpoenas for State	4.25
" 15 " " Defendant,	3.75
Copy of Indictment cert & seal for Defendant,	1.50
Filing 25 papers @ ⁵	1.25
Order on Sheriff (not provided for)	15
Copy of Dec Bill Certificate of Judge & Clk atty	75
Copy of D.B. after allowance 1412 words & fig @ 10¢ per 100	1.41 20 01

John Williams Sheriff	\$8.50
Capias ¹⁰⁰ 17 Subpoenas for State	\$ 9.50
15 Subpoenas for Defendant	7.50
Summoning Jury under Special Venire & Capias	2.00

Serv copy of Indict in Deft. book of Court,	50
Calling 32 witnesses @ ^s	1.60
Committing prisoner to jail	1.00
Trial of case	3.00
Executing order of Court,	50/25, 60

Witnesses March Term 1871.

D K Gady	2 days 28 miles	\$ 4.24
John Harmony	1 " 14 "	2.12
Hugh Berkley	3 " 14 "	4.12
Henry Lyons	3 " 14 "	4.12
J J Davis	5 " 14 "	6.12
H. S. Peppy	6 " 16 "	7.28
G Hamel	3 " 14 "	4.12
Geo N Smith	7 " 14 "	8.12
S Pool	10 " 14 "	11.12
B F Burles	6 " 14 "	7.12
Ch. Vowinkel	6 " 80 " out County	13.90
C L Proster	8 " 14 "	9.12/81. 50

Witnesses for Defendant,

Geo D McMullin	2 days 28 miles	\$ 4.24
Ch Bissett	2 " 14 "	3.12
Wm Mabey	6 " 14 "	7.12
L Kleinschmidt	1 " 30 "	3.40
J S McCormack	1 " 28 "	3.24
Geo T Byrd	1 " 32 "	3.36
Geo McCormack	1 " 30 "	3.40/28. 08
Total,		\$ 212. 04

State of Missouri }
County of Jefferson } So In the Circuit Court,

We the Judge and Circuit attorney of
the 15th Judicial Circuit of the State of Missouri
do hereby certify that we have strictly examined
the foregoing Bill of Costs during the sitting of
the Circuit Court at the March Term AD 1871
and find the same amounting to Two hundred
and Twelve & ⁰⁴/₁₀₀ Dollars to be correct and
the State of Missouri is liable therefor, we
further certify that the Defendant was
Tried by a jury and acquitted, that the
offence charged is ^{a capital one} punishable by death
and that services were rendered for which
charges are made, and that compensation
is given by law for the services for which
charges are made."

J. H. Gail Judge
Geo. D. Reynolds, Circuit atty

March Term 1871.

Copies

State
Geo. D. Reynolds
Dec 1871

State \$212.04

Copies

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