Jefferson County Circuit Court
Case Files - Criminal
May 1843

Box 6 Folder 43

State of Missouri

v

Murdock, John
Rogers, James

Grand Larceny

Defendants stole David Henry's horse.
Bill of exceptions. Defendant Murdock
convicted and sentenced to 5 years,
Book 2 page 467. Defendant Rogers
Convicted and sentenced to 2 years,
Book 2 page 470

State of Missouri
County of Jefferson } ss

The State of Missouri
To the Keeper of the Jail of said County
Greeting — Whereas John Murdock and James Rogers Jr. late of said County of Jefferson — (laborers) hath been arrested and brought before me Solomon B. Wilson a Justice of the peace within and for said County and charged upon the oath of David Henry of Stealing a certain Horse, (the property of said Henry) &c —

These are therefore to Command you that you receive the said John Murdock and James Rogers Jr. into your custody in the Jail of said County there to remain untill they be delivered therefrom by due course of Law

Given under my hand and Seal at the said County this 15th day of May — in the Year of our Lord eighteen hundred and forty three. Sollomon B. Wilson. J.P. (Seal)

State of Missouri
vs
John Murdock & James Rogers —

Commitment

State of Missouri }
County of Jefferson }

Be it remembered, That on the 15th day of May in the year of our Lord eighteen hundred and forty three at the County of Jefferson aforesaid. David Henry, Edmon Flynn. robert Pepper Philip owens for John Wesley owens James owens. James Jones. and John, B. Barree (The said David Henry & Edmon Flynn. of Washington County) and all the rest of Jefferson County. — came before me Solomon, B. Wilson a Justice of the peace and G. I. Johnston associate Majistrate Within and for said County, and in their own proper person each acknowledged themselves to owe the State of Missouri the sum of one hundred Dollars, to be levied of their respective goods and chattles, lands and tenements. upon condition — That if they and each of them shall personally appear before the circuit court, on the first day of the next Term thereof, to be holden for the County of Jefferson, in the Town of Hillsboro, on Monday the 22d day of May Instant 1843) then and there to testify and give evidence in behalf the said State — against a certain John Murdock and James Rogers on a certain charge of Horse Stealing — wherewith, the said John Murdock and Rogers is charged, and shall not depart the said court Without leave, then this recognizance to be void else to remain in full force Sollomon B Wilson J. P.

Taken & certified the day & year aforesaid G. I. Johnston associate majistrate

State of Missouri
vs
John Murdock and
James Rogers

Recognizance
of David Henry
Elkinon Flynn
Robert Pepper
James Owen
Philip Owen for
Wesley Owen
James Jones
John B Barree

on the part
of the State

For the Clerk of the
Circuit Court
filed May 16th 1843
Jno Mathews Clk

State of Missouri
Jefferson County } In the Circuit Court

May Term. 1843.

The Grand Jurors of the State of Missouri empannelled. Sworn and Charged to inquire within and for the body of the County of Jefferson aforesaid upon their Oath present: That John Murdock late of the County aforesaid. And James Rogers late of the same heretofore to wit: On the twentieth ~~eighth~~ day of April in the Year One thousand eight hundred and forty three, with force and arms at and in the County of Jefferson aforesaid in the State of Missouri, one Gelding of the goods and chattels property of one David Henry then and there being found - then and there feloniously did steal, take and lead away. Contrary to the form of the Statute in such Case made and provided. And against the peace and Dignity of the State of Missouri.

And the Jurors aforesaid upon their oath aforesaid do further present. That the said John Murdock. And James Rogers late of the County aforesaid. heretofore to wit on the first day of May in the Year of our Lord one thousand eight hundred and forty three with force and arms at and in the County of Jefferson aforesaid. One Gelding of the goods and chattels of One David Henry then and there being found, then and there feloniously did steal take and ride away. Contrary to the form of the Statute in such Case made and provided. And against the peace and dignity of the State of Missouri —

Jno. S. Brickey Circuit Attorney

Dig. 177. S. 30.
" 483. S. 16.

Witnesses for State.

~~David Henry~~

Edward Flynn

~~James Jones~~

John B. Barret

Wesley Owens.

Robert Peppers.

~~Philip Owens~~

~~James Owens~~

873

State

vs.

John Murdock &

James Hogue:

Indictment for Grand

Larceny - Horse Stealing

A. M. Allen & Foreman

of the Grand Jury

Filed Nov 22 1875

Jno. Allen Clerk

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

TO James Rivers

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court on the twenty fourth day of May at 9 O'Clock at the town of 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 James Rivers is defendant on the part of the defendant

WITNESS, JOHN S. MATHEWS, Clerk our said Circuit Court, at the town of Hillsboro', this 22 day of May in the year of our Lord one thousand eight hundred and forty-three

Jno S. Mathews CLERK.

I Executed the Within subpoena by reading it in the hearing of James Owens on the 22d day of May 1843

M. Mos
for so Sheriff

State
vs
James Rogers
for Self
James Owens.

State vs Murdock } Indictment for Horse Stealing

The defendant by his counsel asks the following instructions

refused

If the Jury believe from the evidence that James Rogers stole the horse mentioned in said Indictment and that Murdock received the horse from said Rogers then they must find for the Defendant not Guilty

refused

That unless the State proves the horse to be of some ~~value~~ definite value, then they must find the defendant not guilty

refused

That unless the State proves that the horse mentioned in the indictment was a Gelding then they must find ~~for~~ the defendant not Guilty

refused

That if the Jury believe from the Evidence that Murdock was not present nor in sufficiently close distance to assist in taking & leading carrying away the horse mentioned in this Indictment at the time of taking of said horse then they must find the defendant not Guilty under this indictment

refused

That if the Jury believe from the evidence that Murdock was accessory before or after the fact or that Murdock received the horse after it was stolen, then they must find the Defendant not Guilty

refused

That Defendant can not be guilty in law of stealing the horse and at the same time guilty of receiving

stolen property, as the Stand has mentioned in said Indictment —

Given

That a person not present nor sufficiently near to give assistance to the perpetration of a felony ~~and~~ can not be a principal —— See Blackston Page 34. 2 Vol.

Given

That if the Jury upon the Evidence entertain a rational Doubt as to the Guilt of the Defendant under this Indictment, then they must find the Defendant not Guilty ——

Instructions for the Defendant.

Unless the Jury believe from the Evidence that the Defendant Stole a Gelding the Property of one Lewis Henry as charged in the Indictment — they must find the Defendant not guilty

State
v
Adams
Instructions for Deft

Filed May 25 1858
Pr Robertson
Clk

1= If the Jury believe from all the Evidence that the Defendant Murdock ~~aided~~ assisted or participated with Rogers in feloniosly stealing David Henrys ~~Horse~~ gelding - then they are bound to find the Defendant guilty

given

2= If the Jury should be satisfied from the evidence - that James Rogers did first steal the Horse of Henry and afterwards that Murdock the Defendant actually stole the Horse again - they then may find the Defendant guilty -

defence

3d. The fact of Rogers stealing the Horse of Henry - did not - nor could not divest the right of Henry to the ~~same~~ gelding Horse - And if they are satisfied that Murdock afterwards stole the same ~~horse~~ gelding - then they may find said Defendt guilty.

given

Briley for the State

over

The ~~Stealing~~

4. The feloniously Stealing a ~~horse~~ gilding is grand Larceny without any regard to the value of the ~~horse~~ gilding And it is not necessary to prove any value of the property.

Pain

State
vs
Runnebeck
Restitution Forfeit
Tried May 25th 1845
Joel Bartlett
Clk

State of Missouri } Jefferson County Circuit Court
May Term A.D. 1843.
vs } Charge of horsestealing
John Mewdoc }

This Defendant by his Attorney, Moves the Court to set aside the verdict and grant him a New trial for the following reasons; —

1st Because the verdict is against evidence.

2nd Because the verdict is against Law.

3d Because the verdict is against the weight of evidence.

4d Because the verdict is against Law and Evidence

5. Because the Court erred in giving the instructions, (asked by the) the state's Counsel to the Jury ~~refusing those asked by the defendant~~.

6. Because the punishment assessed by the jury is excessive.

7. The offence proved and the offence charged in the indictment are different.

Wood & Jones for
Defendant

State of Missouri
vs
John Mourdoc
Charge horse stealing
Motion for a
new trial
Wood & Jones

filed May 25th 1843
Jno Mathews
Clk

— as held by Jury —

The jury may find the Defendant guilty on circumstantial Evidence

State vs Rogers

Instructions given

filed May 26th 1845

Jno. J. Mathews

C.C.

we the Jury find the Deffendant
Guilty in Manner & forme as is charged
in the In Ditment, and assess the
punishment to two years Impris-
onment in the Penetentiary - and that
Property stolen has been returned to the owner
David Henry

David A Jones

State vs Rogers
Verdict

filed May 26th 1843
Jno J Mathews
Clk

State of Missouri } Jefferson Co. Court. May T 1843.
vs. } Charge horse stealing
John Murdoc.

This Defendant by his attorney, Moves the court to arrest judgment for the following reasons:-

1st Because the indictment does not show such a taking upon its face or to make it a trespass & consequently a tortious taking.

2. Because the indictment does not charge, that the horse ~~said~~ alleged to have been stolen was carried away as by law it should.

3. Because the indictment does not pursue the words of the statute in ~~for~~ making the indictment.

4. Because the indictment does not set out any value of the horse

Because the horse is not described to be of any value

5. Because the Indictment does not charge any offence against the Said-

6 Because the Indictment does not charge that Defendant feloniously did steal, take & carry away the horse mentioned in said Indictment.

7. Because the Indictment is informal, irregular & void

~~8. because the ver~~ ~~Wood for Defendant~~

8. Because the Verdict is not in form of Law.

Wood & Jones
for Defendant.

State

vs

John Murdock

Motion in

arrest of Judgt

filed Mar 26th 1843

Jno S McAthey

Clk

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

TO Isaac Merrington

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court ~~on the~~ forthwith ~~day of~~ _____ at the town of 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 is _____ plaintiff and James Rogers is _____ defendant on the part of the Defendant

WITNESS, JOHN S. MATHEWS, Clerk our said Circuit Court, at the town of Hillsboro', this 26th day of May in the year of our Lord one thousand eight hundred and forty-three

Jno. S. Mathews CLERK.

I Executed the within writ on Isaac Herrington by Reading it in his hearing on the 26th day of May 1863

fee 50

M Moss
Sheriff

The State
vs
Jacob Rose
for Debt
Isaac Herrington
for Plaintiff.

State
vs
Rogers

And the defendant moves the court for a new trial in this case for the following reasons, to wit:

1st. Because the verdict is contrary to evidence.

2d. Because the verdict is against the weight of evidence

3d. Because the verdict is against law

4th. Because the verdict is against law and evidence

E. Casselberry atty.

State
vs
Rogers

motion for new trial

filed May 27th 1843
Jno. J. Mathews Clk

State
vs.
James Rogers } On Conviction of Horse Stealing

To the Clerk

I claim my fee of Eight Dollars in the above cause Allowed by law: you will therefore please Charge the same in the bill of Costs. $8.00

Jno. S. Brickey Circuit Attorney.

State
vs.
James Rogers

Fee Bill $8.00

filed May 20th 1843
Jno. Mathews
Clk

Jefferson Circuit Court May Term 1843.

The State of Missouri

vs} Grand Larceny

James Rogers, Indicted with John Murdock

This defendant by his attorney, moves the court to arrest judgment in this case for the following reasons:

1st Because the indictment does not show such such a taking upon its face as to make it a trespass and consequently a tortious taking.

2 Because the indictment does not charge ~~that the indictment~~ the offence in the words of the Statute.

3 Because the indictment and all other of the proceedings in the case are informal illegal and insufficient in law.

4. Because the indictment does not conclude "against the peace and dignity of the state" as in required in the constitution.

5. Because the ~~a~~ indictment does not say that the ~~ha~~ gelding "belonged" to David Henry.

6. Because the description of the gelding is too general and indifinit.

E. Casselberry & P. C. Bull atys for defendant

State
vs
James Rogers

motion
~~notice~~ in arrest of
judgment

filed May 27th 1845
Jno J. Mathews
Clk

The State of Missouri } In the Jefferson County
vs } circuit court
James Rogers } May Term 1893

Be it remembered that on this sixth day of this Term of said court the defendant by his counsel filed a motion with reasons for arrest of judgment (here insert the motion and reasons word for word) which said motion being seen and understood by the court it is considered by the court that said motion be overruled to which decision of the court in overruling said motion the defendant by his counsel excepted and here tenders to the court his bill of exceptions which he prays may be signed sealed and made a part of the record which is accordingly done

David Stinson (Seal)

The State of Missouri

vs

James Rogers

Bill of Exceptions

filed May 29th 1845

Jno J. Mathews Clk

Jefferson county } In circuit court
State of Missouri } May Term 1843
Vs James: Rogers Jr: } The State of Missouri
In account with M: Moss Sheriff Dr
for furnishing Jury ~~with~~ of 12 Men with
two meals Vituels 25 cts Each $6:00

M Moss Sheriff
of Jefferson co Mo

The State of Missouri
vs
James Rogers Jr
account $6:00

filed Nov 27th 1844
Jno J Mathews Clk

In this cause the defendant John Murdock was convicted May 25th 1843. and sentenced to the Penitentiary for five years See Book No 2 page 467.

The defendant James Rogers was convicted May 25th 1843 and sentenced to the Penitentiary for two years. See Book No 2. page 470

Attest. Geo. Mathews. Clerk

We the Jury find the Defendant John Murdock guilty in manner and form as he stands charged in the Indictment - and we further find that the property stolen has been returned to the owner.

And we the Jury do further assess the punishment on the said defendant John Murdock for the offence aforesaid to five years Confinement in the Penitentiary of the State of Missouri

S. F. Gibbons foreman

of the Jury

We the Jury find the prisoner Guilty
penalty five years in the penitentiary

S. F. Gibbons,
Foreman

State of Missouri — } In the Circuit Court of Jefferson
John Murdock — } County May T 1843 —

Be it remembered that on the trial of the above entitled cause the State Circuit attorney in order to maintain the issue on the part of the State and to sustain the prosecution vs the said Murdock offered in evidence the following ~~Evidence~~ Testimony — 1. David Henry a witness produced, sworn, and examined on the part of the State deposeth and saith. That he had a small Bay horse about 14½ hands high which got away from him while living near Manchester St Louis County Mo somtime about the first of April last — He was a tolerable good horse with Roached mane & had on shoes ~~off~~ for foot, and went in search of the horse and found said horse in Washington County Mo at Edmund Flinn — lately lived at George King near Manchester. witness stated that he got the horse from James Rogers, and that he received the horse from Rogers somewhere in the woods near Robert Phippen. said that he did not ask when he got the horse & made no enquiry about the horse as he dealt a good deal in horses. Henry stated that he pursued the horse to the Mississippi River & there returned — Henry inquired of the man he got the horse of when he was arrested & he told him he was raised at Philip Owens in Jefferson county & then went after him — and further this deponent saith not —

George King a witness upon the part of the State being duly sworn upon his oath deposeth and saith. That Henry the witness above mentioned lived at his house, one mile and a half West of Manchester in St Louis County Mo. Henry had a horse somtime in April in the first part of the month ~~Henry~~ Horse got out of the pasture. Henry went after the horse and brought back the horse — There is nothing remarkable about the horse. He had a Roach mane. He had him shod in the Winter — One of my sons followed him somtime distance until he lost track of the horse —

Wesly Owens a witness upon the part of the State being duly sworn upon his oath deposeth and saith, I know David Henry. First time I ever saw him he was after a Horse. It was on the twelfth day of April last as well as I recollect on hunt of a horse. A Bay horse. I know the horse. A Bay horse tolerably small horse Roached mane. Crawford raised him on the place that Father lived from an year old ~~[illegible]~~ That his father's farm was in Jefferson County adjoining ~~[illegible]~~. Horse about five or six years old as well as I recollect. I saw the

Jones then about ten o'clock of said day the horse strayed. Tony came after his horse about half past eleven or about twelve o'clock being about one or half ~~two~~ a two hours after witness saw the horse in the Range on the premises of his father Henry and witness went together to hunt the horse. The horse was with two young mares of my father in the Range Grazing together when witness first saw them and when witness & Henry went to where witness first saw the horses last mentioned Henry's Colt Charly was not there to be found. Witness stated that James Rogers came in the field where he was at work and had a Bridle in his Pocket. Rogers was enquiring the way to James Owens. said he was going there to make rails. When Rogers first came where witness was, the Horse Charly and the other two came in sight and the witness and Rogers conversed about the Horse and Rogers enquired whose horse it was. and witness replied he did not know and Rogers said if he knew the owner he would like to trade for him.

Witness stated that after Rogers had been there, he started away, but did not go in the direction to James Owens. altho he asked of witness the direction to James Owens and witness gave him the directions, yet he did not follow the directions but went in a contrary direction. and went in a southern direction which was nearly the direction of the horse Charly was. and ~~the~~ direction to Owens was opposite. After leaving witness about 200 yds Rogers was out of sight of witness by covered by the timber. Also witness and Henry both went in one hour and a half to the place where Charly & the other creatures were and Charly was not there and the mares were there. Witness dont know what became of the horse. He says he is acquainted with Mendock. Does not know where he lives, but it is said that he lives at James Jones. Witness stated he thinks the Horse came there about the 12th or 14th of April last 1845.

The witness stated upon Cross Examination that he had never seen Mendock that day nor at any other time previous or subsequent in the neighborhood where the horse was. That the distance from James Jones to where the horse was was 6 or 7 miles. That Rogers after the conversation with the witness about the horse went in nearly the direction of the horse and in an entirely different direction from that given by the witness to said Rogers by which to go to James Owens. That Rogers had a Bridle in his Pocket which conversing with the witness in the field and took off with the Bridle in the Direction of the horse. That the Horse was not in the Range when witness & Rogers had first seen him altho the mares were there. That the horse was with, about an hour & half afterwards when witness & Henry went to look for the Horse — this could not be from any where about there.

Witness stated he knew the Bay Horse Charly a pacing and Black Guess that he was said old from a year old on his father's farm

James Owens of lawful age produced sworn and examined upon the part of the state deposeth and saith – That sometime about the 20th of April 1843. James Rogers about twelve o'clock came to his house and asked him, Owens, for his man to ride to Caly – Upon being invited Rogers remained at house of witness until after dinner about one o'clock – Witness loaned his man to Rogers with a Roach mane to go to Caly to James Jones. Rogers having first told him that he wanted to go there to get John Murdock to assist in making rails for witness. Witness returned to Owens about 9 o'clock that night and Rogers told witness that they did leave him at Jones that he (Murdock) had gone to the Mormon settlement and would not be back for two or three days – Witness stated that he had not then seen the horse, but that he knew the horse – Said he afterwards saw the Horse at Sequin Wilcox

Witness was asked if Murdock had borrowed a horse from him shortly before that but witness replied No.

Upon Cross examination witness stated that he loaned James Rogers a Quilt to go under the saddle and that Rogers did not return the Quilt when he returned his man, that he saw the Quilt at Sequin Wilcox's and knew it to be the same the Quilt was which he loaned Rogers Witness residing in Jefferson County also the residence of James Jones and Robert Lepson are in Jefferson County

Witness said he had not seen Murdock in the neighborhood that day nor at any time previous – and that James Jones was 6 or 7 miles from the house of witness & that he lived about one mile & 1/2 from residence of Mr Owens father Pleasant Owens house, where witness then lived

James Jones of lawful age being produced sworn and examined on the part of the State deposeth and saith – I never heard any conversation about the horse before the 20th of April that Murdock was living at Jones's house. Murdock has lately married and has been living at Jones's about 2 or 3 weeks before the 20 April – On the 20 of April Mr Murdock went to mill for Jones and went to Woodcock's mill on the Nemenaiche. The distance from Jones to the mill of Woodcock was seven or eight miles. Mr Murdock returned to Jones with a bag of meal about 3 o'clock of said day – Murdock came to mill came – Rogers went to Jones's about three o'clock of said day and enquired for Murdock and said he wants to see him. Murdock came home about an hour or hour and half after – Murdock when he got home spoke to Rogers and went in the house and eat his dinner – after dinner Rogers and Murdock went off to a log and got down and talked together but witness dont know what the conversation was. Murdock and Rogers got his coat afterwards they both left Jones's. Witness asked Murdock if he was coming back that night – and Murdock said yes. Murdock returned that night about an hour after dark. Upon his return Jones asked Murdock if he had gotten a horse and Murdock replied that he had. Murdock got up early next morning and left early in the morning before daylight and stated he would get breakfast on the way and borrowed saddle of witness. Murdock said he was going to Indian Creek – The man that Rogers rode to his house was a Bay and Roach mane. Murdock returned on Sunday following and brought with him a Mule and a piece of Quilt which he took to Gray Mitchens and said he had traded for it on Indian Creek – Witness states that the proper owner has the mule. Witness says he Murdock kept the mule about week.

Witness also states that Murdock said he swapped the horse he got of Rogers for the mule – after there had been some fuss about the horse, witness began to suspect that there was something improperly about it. He asked Murdock about the horse and Murdock said the horse was not good property, that Rogers had falsified to him, & that Rogers had delivered him a bad horse as good property – I had a Quilt under my saddle which goes to the Gray Mitchen and the Quilt was recognized by Owens to be his & proved to be his. That it was the same Quilt which Owens had lost to James Rogers on the 20 April to wit to James Jones. This Quilt was brought to my house by Murdock & he brought the mule

Upon Cross Examination James Jones stated that Murdock when he left to go with Rogers took no Bridle with him on a halter and returned with the horse and a Bridle - and the bridle which Murdock returned with was brought into Lincoln at the Mlitia Squires Court when the matter was first inquired into & proved to be the Bridle that James Rogers had in his Pocket the morning of the 20th of April Murdock stated in the conversation above referred to that he had gotten the Bridle & horse from James Rogers that Evening - James Jones stated that Murdock never went further into the Mile but once in his life & that was the 20 of April & the waters of the Mermack & big River & all the Rivers in that section of country at that time were high & full

James Jones also stated that the distance from Woodcocks mill to where the horse was described to be at in the Range with the other mares and where the horse was raised, to be about 13 or 14 miles.

Ed. Flint a witness upon the part of the State proved & said that Murdock traded a Roach mane Bay horse belonging to Henry to him in Washington County for a mule and that Murdock was to give him sixty dollars boot and gave his note to an instrument of writing promising to pay the sixty Dollars, by the name of John Davis. Murdock's proper name being John Murdock. Davis lived on the Minnee Tash in Washington County, and this Bay horse spoken of was the horse claimed by Hoyt.

Upon the part of the Defendant it was proved by Woodcock that Murdock had been to his mill sometime in the spring, but does not recollect the exact time - but the Rivers were all full and high - Does not recollect of his son being there before - he was stunt got mad - he recollects that the day he was there his brother was making a plough beam & putting in a mold board to the plough - It was proved that the distance from Woodcocks to Jones was 7 or 8 miles and that Murdock was at Woodcocks mill at dinner time.

This is all the evidence produced upon the aforesaid trial of said cause upon the part of the State, and also all the evidence produced upon the part of the Defendant — whereupon the Jury brought in the following verdict, then inserted the verdict of the Jury

Be it remembered that upon the aforesaid trial the Prosecuting attorney upon the part of the State asked the following instructions of the Court, then insert the instructions given by the Court on the part of the State, to the giving of which instructions the Counsel on the part of the defendant at present, by the Court, ~~the bar~~ excepted & then tendered to the Court this his bill of exceptions which he prays may be signed sealed & made a part of the record which is accordingly done — (Seal) David Stringer

And also the Defendant on the trial of said Cause — & upon the close of the argument in said cause asked the following instructions of the Court, then insert the instructions asked & which said instructions the Court refused to give to the refusing to give which said instructions the Counsel for the defendant at present excepted & then tendered to the Court his bill of exceptions which he prays may be signed sealed & made a part of the record which is accordingly done — David Stringer (Seal)

Upon which said Evidence & testimony & with the aforesaid instructions the Jury retired to make out their verdict and the Jury brought in the following verdict then insert the verdict of the Jury

Whereupon the Defendant by his counsel moved the Court for a new trial (here insert the ~~reasons~~ motion for new trial) which said motion being seen by the Court, the Court overruled said motion & refused to grant a new trial to the Defendant to which the Decision of the Court overruling said motion & refusing to grant a new trial the Defendant by his counsel excepted and then tendered to the Court his bill of exceptions which he prays may be signed sealed & made a part of the record which is accordingly Done —

David Sturgeon (Seal)

The Defendant also by his counsel after the Court had overruled his motion for a new trial made a motion in arrest of Judgment for reasons filed (here insert the motion & reasons) which said motion being seen by the Court it was considered by the Court that the same be overruled, to the Decision of the Court in overruling said motion the Defendant by his counsel excepted and then tendered to the Court his bill of exceptions which he prays may be signed sealed & made a part of the record which is accordingly Done

David Sturgeon (Seal)

State —
vs
Murdock —

Bill of Exceptions
filed in said Cause
Hoodt & James