

Jefferson County Circuit Court
Case file - Criminal
June 1863

Box

14 File 64

State

VS

Davis, James A. L.

Felony

Defendant lied under oath in order
to vote in November 1862 election
that he had not taken up arms against
the U.S. government

State of Missouri } In the Circuit Court of Jefferson County
County of Jefferson } June Term 1863

The Grand Jurors of the State of Missouri now here in court empaneled sworn and charged to inquire within and for the body of the County of Jefferson upon their oath present that James A. S. Davis late of said County on the fourth day of November eighteen hundred and sixty ~~two~~ two with force and arms at and in the County of Jefferson aforesaid at an election then and there held under and in pursuance of the Constitution and laws of the State of Missouri for the purpose of electing a Member of Congress and a Member of the Legislature of the State of Missouri and other State and County Officers did offer to vote and did then and there vote at the said election for said State and County officers and did there before Duquid Pitser, Samuel Helderbrand & James Simpson who were then Judges of the election aforesaid, and who being said Judges were authorized and required by law to administer oaths to all persons who voted, he the said James A. S. Davis then and there before the said Duquid Pitser, Samuel Helderbrand & James Simpson in due form of law was sworn and took his corporal oath (they the said Duquid Pitser, Samuel Helderbrand & James Simpson then and there having a lawful and competent power and authority to administer the said oath to the said James A. S. Davis in that behalf); and that the said James A. S. Davis being so sworn as aforesaid did falsely, corruptly, knowingly, wilfully, maliciously and unlawfully before the said Duquid Pitser Samuel Helderbrand & James Simpson judges did swear in substance and to the effect following that is to say: I James A. S. Davis do solemnly swear that I will support, protect and defend the Constitution

of the United States and of the Constitution of the State of Missouri against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty and allegiance to the United States, and I will not directly or indirectly give aid and comfort or countenance to the enemies or opposers thereof or of the provisional Government of the State of Missouri any ordinance law or resolution of any state convention or Legislature or any order or organization secret or otherwise to the contrary notwithstanding and that I do this with a full and honest determination pledge and purpose faithfully to keep and perform the same, without any mental reservation or evasion, And I do further solemnly swear that I have not since the seventeenth day of December eighteen hundred and sixty one wilfully taken up arms or levied war against the United States or against the Provisional Government of the State of Missouri So help me God; whereas in truth and in fact the said James A. S. Davis had since the seventeenth day of December eighteen hundred and sixty one and before the said fourth day of November eighteen hundred and sixty two wilfully taken up arms and levied war against the United States; and whereas in truth and in fact the said James A. S. Davis had also since the said seventeenth day of December eighteen hundred and sixty one and before the said fourth day of November eighteen hundred and sixty two wilfully taken up arms and levied war against the Provisional Government of the State of Missouri. And so

The jurors aforesaid upon their oath aforesaid do
say that the said James A. L. Davis on the fourth
day of November eighteen hundred and sixty two
at the County of Jefferson aforesaid before the
said Judges Duguid Pitser, Samuel Helderbrand & James
Simpson (they the said
Duguid Pitser, Samuel Helderbrand & James Simpson
then and then having such
power and authority as aforesaid) by his own
act and consent and of his own most wicked
and corrupt mind in manner and form as
aforesaid unlawfully falsely, wickedly
wilfully and corruptly did commit wilful
and corrupt perjury - Against the
peace and dignity of the State of Missouri

D. C. Tuttle Cui Atty
Pro Tem -

2089
June 29th 1863

State
vs

James A. L. Davis

Indictment for
Arson

A true Bill
Oscar Stone

Thuman

Witnesses

Henry B. Dittmer

Wm. A. Dutton

James O. Owen

Sworn to

Filed June 15th 1863

Chas. F. Honeywell

COUNTY OF JEFFERSON, SCT.,
The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take *James A. L. Davis*
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, *for the*
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, *Perjury*
contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Elias F. Honey
Witness, ~~THO. B. FLETCHER~~, Clerk of
our said Circuit Court with
the seal thereof hereto affixed,
at office, this *15th* day of
June A. D. Eighteen
Hundred and ~~fifty~~ *Sixty three*

Elias F. Honey
Clerk Circuit Court.



STATE

AGAINST

James A. Davis

CAPIAS.

Sherry Steen P 50

COUNTY OF JEFFERSON, SCT.,
The State of Missouri,

To the Sheriff of the County of Jefferson—GREETING:

We Command you to take *James A. L. Davis*
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, *on the 7th day of December*
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: *Perjury*
contrary to the
form of the Statute in such case made and provided, and against the peace
and dignity of the State.

Elias J. Horney
Witness, **THO. G. FLETCHER**, Clerk of
our said Circuit Court with
the seal thereof hereto affixed,
at office, this *25th* day of
June A. D. Eighteen
Hundred and *fifty six* *three*

Elias J. Horney
Clerk Circuit Court.

I Executed the Writ in the
County of Jefferson State of Missouri
on the 30th day of July 1863 by taking
the body of J. A. L. Davis and binding
him in a bond for his appearance
before the Hon. Circuit Court on
the 7th day of November 1863
J. L. Power Deputy
Sheriff



STATE

AGAINST

James A. L. Davis

CAPIAS.

J. L. Power Deputy Sheriff \$1500

Know all men by These presents that
James A & Davis as principle and William Hanover
Joshua Davis and Samuel Herrington
as Security are held and firmly bound unto
The State of Missouri in the Sum of Five
hundred dollars good and Lawfull Money
of the United State to The True payment well
and Truly We Bind our selves our heirs
Executors and Administrators jointly
and severally by these presents Sealed with
our Seal and dated this 28th day of July 1863

The Condition of the above Bond is
Such that if the above named James A & Davis
shall be and appear ^{in person} before the Hon Circuit
Court of Jefferson County Missouri on the
Seventh day of December next 1863 then and
there to answer unto a bill against him found
by the Grand Jury for the Body of the
County of Jefferson for Perjury Contrary
to the peace and dignity of the State of Missouri
and is not to depart said Court without
Bare legally Discharge then the above Bond
is to be ~~void~~ or other wise to Remain
in full force and virtue

Attest J. C. Paine } James A. Davis
William Hanover
Joshua Davis
Samuel Herrington

Seal
Seal
Seal
Seal

Wm. J. Davis Bond

Witness and appearance
of this 28th day of July
1863 J. B. Boushforth
by J. C. Boushforth

State
James A. L. Davis } Indictment for Perjury.

Now at this day comes said
Defendant & demurs to the indictment in
the above entitled cause for the fol-
lowing reasons.

1. Because the pretended ordinance
of the State Convention of Missouri re-
quiring all voters to take an ~~oath~~ oath
of allegiance is against the Constitu-
tion of the United States & therefore void.
2. The said Convention possessed
no power, either original or delegated,
to ~~not~~ adopt any law or ordinance in
relation to test oaths.
3. Said pretended ordinance is in violation
of the first section of the third Article of
the Constitution of the State of Missouri.
4. Said indictment in describing the
offense of perjury does not use the word
"feloniously".
5. Said Indictment is otherwise defec-
tive, informal and void.

J. L. Thomas
Atty for Def.

Alto

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J. A. L. Davis

Declaration for Paying

Debtors

Filed Dec 8th 1863

Chas & Henry

Clarks

Overlooked

State

James A. L. Davis } Indictment for Perjury.

This affiant makes oath & says
that he cannot safely proceed to trial at
this term of the Court for the want of the above
Andrew Shoully and Alfred Shoully who
are in the United States Army & who
are material witnesses for him in
the above entitled Cause.

Sworn to & subscribed
before me Dec. 11th 1863

John L. Thomas

Notary Public

Jeff. Co. Mo.

James A. L. Davis
Mark

Not

J. H. L. Davis

Affidavit for
continuance.

Filed Dec 11th 1883

Edwin J. Healey
Att'y

State
vs
Jas. A. L. Davis } Indictment for Perjury.

Now at this day comes said Defendant & demurs
to the Indictment filed herein filed for the following rea-
sons:

1 Because said Indictment does not charge that
~~the~~ act of false swearing was done feloniously.

J. L. Thomas
Atty for Defendant.

State

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Geo. H. Davis

Demutree,

Oct 1st May 9 1865
Samuel M. P. by
C. E. K.