

Jefferson County Circuit Court
Case file - Criminal

Box

16 Folder 68

November 1865

State

VS

Masterson, Michael

Perjury

Lied under oath that he was
qualified to vote in election to
ratify state constitution

State of Missouri }
County of Jefferson } ss

Jefferson Circuit Court November Term 1865

The Grand Jurors of the State of Missouri within and for the body of the County of Jefferson now here in court duly empanelled sworn and charged upon their oath present that Michael Masterson late of the County of Jefferson aforesaid on the sixth day of June eighteen hundred and sixty five at Green's Mills in Jefferson County aforesaid at a general election for the ratification ^{or adoption} of a State Constitution held pursuant to an ordinance of the ^{Constitutional} Convention of the State of Missouri the same then and there having full authority to order said election before the Judges of said election then sitting at Green's Mills aforesaid ~~which~~ the said Judges of election being duly qualified ~~to~~ by law to receive all legal or lawful votes or ballots for or against the adoption or ratification of said Constitution whereupon before his vote ~~was~~ ballot was received he was duly challenged Touching his right or legal ability to vote at said election for or against the ratification or adoption of the said Constitution - and

on being challenged he was then and there duly sworn and did take his corporal oath before the said judges of election so qualified and sitting as aforesaid, the said judges of election to wit Charles P. Green, Thompson Whitworth and N. B. Sullens being then and there duly authorized and empowered to administer an oath to the said Michael Masterson in that behalf; and he the said Michael Masterson being then and there sworn by and before said judges of election, and not regarding the laws of the State and the ordinances of the aforesaid Convention did then and there falsely, wilfully and corruptly say, depose and swear to and before said judges of election, touching his right to vote, and his qualifications as a voter at said election for or against the adoption or ratification of the Constitution aforesaid, in substance and effect as follows, among other things, that is to say, that he the said Michael Masterson had never directly or indirectly done any of the acts specified in Section ~~six~~ ^{third} Article two of the Constitution of the State of Missouri adopted by the Constitutional Convention of the State of Missouri on the eighth day of

April eighteen hundred and sixty five at St
Louis Mo -

Whereas in truth and in fact, he the said
Michael Masterson had done some of
the acts specified in section ~~second~~ ^{third}
Article two aforesaid of the Constitu-
tion of the State of Missouri aforesaid
adopted on the eighth day of April eight-
een hundred and sixty five at Saint
Louis Missouri

And ^{so} the Grand jurors aforesaid on their
oath aforesaid do say that the said
Michael Masterson on the sixth day of
June at the place aforesaid, unlawfully
and feloniously did commit wilful and
corrupt perjury contrary to the
form of the Statute in such case
made and provided and against
the peace and dignity of the State

David Murphy
Circuit Atty

2386

State

vs

Michael Masterson

Perjury

At

Edw. P. Green

Thompson Whitworth

James Lullens

A true bill

Anton Geeser foreman

Dated Nov 22 1865.

Amos A. Reynolds
juror & clerk

COUNTY OF JEFFERSON, Sct.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting :

We Command you to take

Michael Masterson —

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 Second Monday in May next* —

at Hillsboro, within and for the County of Jefferson, then and there to answer unto an Indictment

found against

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.

WITNESS, SAMUEL A. REPPY, Clerk of our said Circuit Court,

with the Seal thereof hereto affixed, at Office, this

Fourth day of *December*

A. D. 1865,

Samuel A. Reppy

Clerk Circuit Court.

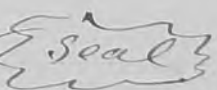
I Executed the within Capias in the County of
Jefferson State of Missouri on the 8th day of July 1866
by taking Michael Masterson and taking his bond
for his appearance before the next Judge of the Cir
Court to be held on the 2^d Monday of May 1866

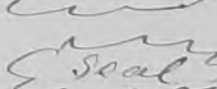
C. C. Fletcher
Sheriff

Michael Masterson

Fletcher Sheriff 2.25

Know all men by this present That
Michael Mastersson as principal and
Patrick Byrne as Securities are held
and firmly bound unto the State of Missouri
in the full and Just Sum of Five
Hundred Dollars for the payment whereof
we bind ourselves jointly and severally firmly
by this presents sealed with our Seals
and dated this Eight day of Janu-
ary A.D. 1866 Yet upon Condition that
if the above named Michael Mastersson
shall personally be and appear before the
Circuit Court of Jefferson County on the
first day of the next term thereof to
be begun and held at the Court house
in the Town of Hillsboro within
and for the County of Jefferson
on the Second Monday of May next
to answer an indictment preferred
against him for Perjury
and from day to day term to term
and not depart said Court with-
out leave thereof this bond to be
null and void otherwise to remain
in full force

Michael Mastersson 

Patrick Byrne 

Taken and approved
by me this 8th day of
January

A.D. 1866
C. C. Fletcher Sheriff

Book of

The State of Missouri } In the Jefferson
Michael Masterson } Circuit Court,
May Term 1866.

Now at this day comes Michael Masterson, the above defendant & demurs to the indictment herein for the following reasons,

1. Because said Indictment does not charge that the offence, was felonious & done -
2. The Indictment does not charge how the defendant had violated the oath of Loyalty.
3. Said Indictment merely charges that whereas "in truth & in fact, he the said Michael Masterson had done some of the acts specified in Section third Article two of the Constitution" - which is too indefinite to require defendant to plead.
4. The third Section of the 20th art. of the Constitution of the State in requiring the oath therein mentioned to be taken

by a citizen before voting is a post
facto, contrary to the Constitution of
the United States & void.

Thomas & Ahlberg,

State

by

Michael Moelzer

Demur-

Ok the Jury find the Defendant
Not Guilty as charged in the Indictment

J. S. McIlwain
Attorney