

Jefferson County Circuit Court
Case Files - Criminal

Box No.

17

Folder No. 57

June 1866 - No. 13

State

vs

Murphy, David

Malfeasance

Refused to draft bills of indictment
as Circuit Attorney

State of Missouri & In the Circuit Court of Jefferson
County of Jefferson 300 County Missouri

The Grand Jurors of the State of Missouri
~~wherein~~ ⁱⁿ Court duly empanelled sworn
and charged to enquire within and for
the body of the County of Jefferson upon
their oath present that David Murphy
late of the County of Jefferson aforesaid
with force and arms at and in the
County of Jefferson aforesaid at the
May Term of the Jefferson County Circuit
Court began and held on the fourteenth day
of May eighteen hundred and sixty six
at Hillsborough the County seat in the
County of Jefferson aforesaid by the said
David Murphy then and there being the
Circuit Attorney for the Ninth Judicial
Circuit in and for the State of Missouri
duly appointed and Commissioned as
such did willfully maliciously and
wickedly refuse and neglect his duty
before the Grand Jury duly empanelled
and charged to enquire within and for the
body of the County of Jefferson aforesaid
in this that he the said David Murphy
refused to prepare draft and draw bills
of Indictment after the Grand Jury aforesaid
had found true bills to wit: that they the

sworn

Grand Jury aforesaid might present the same (that is the indictments after drafted prepared or drawn, to the Court that after the Grand Jury aforesaid had reported the fact that he the said David Murphy as aforesaid had so refused to perform the duties of his office as aforesaid that he the said David Murphy Circuit Attorney as aforesaid in open Court still refused to prosecute draft prepare or draw up the bills aforesaid contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Missouri

J. A. Hugh
Circuit Atty. Geo. Lee.

State
as 2466

David Murphy

Dec 13

Witness

Saml. A. Repp

Joseph Williams

J. C. Walker

D. J. Probee

C. Linn Lill

John M. Allen

Stroman

Dec 13 1866

Saml. A. Repp

COUNTY OF JEFFERSON,

The State of Missouri,

To *Samuel A. Reppy, Joseph Williams
J. Ed. Walker and J. S. White*

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 *1st day of November next* 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* is

Plaintiff, and

Defendant on the part of *David Murphy is*
Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this
26th day of *September* A. D. 186*6*
Samuel A. Reppy, Clerk.

SUBPENA.

TO

Jefferson Circuit Court

.....November.....Term, 1866.

State
vs

David Murphy

Witnesses for Plff.

Samuel A. Reppy, +

Joseph Williams +

J. Ed. Walker, and

D. P. McKee

John Williams Dep't

Sheriff fees \$2.00

I Executed the Within in Jefferson County Mo
on the 25th Day of October 1866 By Reading the
same to S. A. Reppy Joseph Williams J. Ed
Walker and D. P. McKee
E. A. McWhorter Sheriff
By John Williams Dep't

State of Missouri }
vs }
David Murphy }

In the Jefferson Circuit Court
May Term 1867

The defendant in the above entitled cause now comes before the Court in his own proper person and moves the Court to quash the indictment now on file in this Court for the following reasons to wit

1st

That the facts alleged in said indictment do not constitute an offence against the law.

2nd That the indictment is insufficient because no particular ^{act} is charged ^{against} by which the defendant can defend ~~against~~ himself

3^d The indictment should state wherein the defendant has refused to perform any duties revolving upon him as Circuit Attorney aforesaid as alleged

~~David Murphy~~
~~Defendant~~

4th That no time is alleged at which said offence if any was committed

David Murphy
Def^t

State of Missouri.

~~Mr~~ David Murphy

Motion to quash

Shelby 7th 1867
E. A. Henry clk