Platte County Circuit Court
Circuit Court
November Term 1867 No. 246

Box 73 File 78

State of Missouri

vs

Hughes, Albert

Murder

- Accused of shooting + killing Daniel W. Jenkins

246.

31.

State of Missouri

vs. Murder

Albert Hughes

1867

W. V. Sloan
W. H. Hunt } Witnesses

State of Missouri,
FIFTH JUDICIAL CIRCUIT.

In the Circuit Court of the County of Platte in the State of Missouri, of November Term, A. D., 1867, Platte County, to-wit:

The Grand Jurors of the State of Missouri, for the body of the county of Platte, aforesaid, upon their oath present that Albert Hughs late of the county of Platte, aforesaid, on the twelfth day of November in the year of our Lord one thousand eight hundred and sixty seven with force and arms, at the county of Platte, aforesaid, not having the fear of God before his eyes but being moved and seduced by the instigation of the devil then and there in and upon one Daniel W Jenkins in the peace of God and said State then and there being feloniously wilfully deliberately premeditatedly and of his malice aforethought did make an assault and that the said Albert Hughs with a certain Pistol of the value of twenty five dollars which was then and there loaded and charged with Gun powder and six leaden balls which he the said Albert Hughs in both his hands then and there had and held in and upon the body of him the said Daniel W Jenkins then and there feloniously wilfully deliberately premeditatedly and of his Malice aforethought did shoot off and discharge said

Pistol so loaded as aforesaid
to and at and in and upon the
body of him the said Daniel
W Jenkins then and there inflicting
one Mortal wound of the
length of three inches and of
the depth of eighth inches of
which said Mortal wound he
the said Daniel W Jenkins then
and there instantly died and
so the Jurors aforesaid
upon their oath aforesaid
do say that the said Albert
Hewlett him the said Daniel
Jenkins in manner and
form aforesaid feloniously
wilfully deliberately
premeditatedly and of his
Malice aforethought 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

E. H. Costello
Circuit Atty

31.

Murder in the first Degree

State vs

Albert Douglas

A true bill

Wm Gilbert
Foreman of the
Grand Jury

Witnesses

Philip Doer
Thomas Silver
John J Riley
Judge Hall M. Allen
James M. Maulsby
Patrick K. Bennett
Jose George (col'd)
Ellen Lewis "
Jacob Waller "
Daniel Hall "

Filed in open Court the 15th
day of November A.D. 1867.

F. M. Justis
Clerk

[44] SUBPŒNA—Circuit Court —Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri, } *ss.*

COUNTY OF PLATTE,

THE STATE OF MISSOURI,

TO W. V. Sloan W. H. Hunt.

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Tuesday the 19th day of November, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

State of Missouri Plaintiff.

and Albert Hughes Defendant.

on the part of said Plff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 15th day of Nov A. D. 186 7.

F M Lufts Clerk.

By D Carberry Jr D C

Printed and for sale by WINCHELL, EBERT & MARSH, Hannibal, Mo.

No. .....

PLATTE CIRCUIT COURT.

Nov Term, 1867

State

vs Subpoena.

Albert Hughes

Pl'tff's. } WITNESSES.
~~Def'ts.~~ }

Day of Trial, Tuesday 19

M V. Sloan 16

Wm H Hunt 16

Served the within by reading the same to N J Stone and Wm H Hunt Nov 16/67

N P Ogden
Sh'ff

Fee 1 50

State of Missouri,

COUNTY OF PLATTE, } *ss.*

THE STATE OF MISSOURI,

TO Phillip Doerr Thomas Sylvia John J Riley
Judge H M. Allen

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Tuesday the 19. day of Nov, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

State of Missouri Plaintiff,

and Albert Hughes Defendant,

on the part of said Pff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 15th day of Nov A. D. 1867.

F M Tufts Clerk.
D Hartwright DC

Printed and for sale by WINCHELL, EBERT & MARSH, Hannibal, Mo.

No. .....

PLATTE CIRCUIT COURT.

Nov Term, 1867

State

vs Subpoena.

Albert Hughes

Pl'tff's. } WITNESSES.
~~Def'ts.~~

Day of Trial, Tuesday 19th

Phillip Doerr

Thomas Sylvia

John J. Riley

A M Allen

Served the within
by reading Nov 18 1867
Samuel Thomas D.S.

[44] SUBPŒNA—Circuit Court—Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

ss.

COUNTY OF PLATTE.

THE STATE OF MISSOURI,

TO James M. Mulkey Patrick B. Bennett
Jase George "Col"

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Tuesday the 19th day of Nov, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

State of Missouri Plaintiff,

and Albert Hughes Defendant.

on the part of said Plff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 16 day of Nov A. D. 1867.

F M Tufts Clerk.
By J Rathbaugh D.

Printed and for sale by WINCHELL, EBERT & MARSH, Hannibal, Mo.

No. .....

PLATTE CIRCUIT COURT.

November Term, 1867

State

vs Subpoena.

Albert Hughes

Pl'tff's. } WITNESSES.
~~Def'ts.~~ }

Day of Trial, Tuesday 19th

James M Mulkey 18

Pat Bennett 18

Jase George "Col" 18

Served the within by reading the same to the within Jas M. Mulkey Pat Bennett & Jase George Nov 18/67

A P Ogden
Shff

[44] SUBPŒNA—Circuit Court —Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

COUNTY OF PLATTE, } *ss.*

THE STATE OF MISSOURI,

TO Ellen Lewis col, Jack Waller col,
Daniel Foster col,

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Tuesday the 19th day of Nov, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

State of Missouri Plaintiff,

and Albert Hughes Defendant,

on the part of said Plff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 15th day of Nov A. D. 1867.

F M Tofts Clerk.

By D Hartunghtde

Printed and for sale by WINCHELL, EBERT & MARSH, Hannibal, Mo.

No. .....

PLATTE CIRCUIT COURT.

Nov Term, 1867

State

vs. Subpoena.

Albert Hughes

Pl'tff's. } WITNESSES.
~~Def'ts.~~ }

Day of Trial, Tuesday 19th

Ellis Lewis 18

Jack Waller

Daniel Coates

H. M. Aller

Serve the within by reading the same to the within Nov 18/67

2.00 A P Ogden Sh'ff

State of Missouri, } ss.
COUNTY OF PLATTE.

THE STATE OF MISSOURI, TO:

Joseph Parrot and Joseph Whisler

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for the said County of Platte, on Tuesday the 19th day of Nov. 1867, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein The State of Missouri is Plaintiff, and Alfred Hughes is Defendant, on the part of said plaintiff; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office, in Platte City, Mo., this 16th day of Nov. A. D. 1867.

F. M. Tufts, CLERK.

BY ....., D. C.

No. .....

PLATTE CIRCUIT COURT.

_____ Term, 186__

State

vs

_____ Subpœna.

Alfred Hughes

Pl'tiffs, } Witnesses.
Def'ts, }

Day of Trial Nov 19/67

Joseph Parrot

Joseph Whisler

Served the within Spa on
the 16 day of Nov 1867 by
reading the same to
Joseph Parrot and Joseph
Whisler in Platte Co
Mo

N. S. Ogan
Sh'ff

Ogan 1.50

State of Missouri, } ss.
COUNTY OF PLATTE,

THE STATE OF MISSOURI, TO:

John Swaney A M Allee James M Mulkey

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for the said County of Platte, on Tuesday the 19th day of Nov, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein State of Missouri Plaintiff, and Albert Hughes Defendant, on the part of said Plff; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office, in Platte City, Mo., this 18 day of Nov A. D. 186 7.

F M Tufts, CLERK.

BY D. Cartwright, D. C.

No. .....

PLATTE CIRCUIT COURT.

Nov Term, 186 7

State

vs Subpœna.

Albert Hughes

Pl'tiffs, } Witnesses.
~~Def'ts,~~ }

Day of Trial 19th

14 John Sweaney

18 A M Allen

14 James M Mulkey

Served the within Spa on the 17 day of Nov 1867 by reading the same to John Sweaney A M Allen and James M Mulkey

Sheriff

Ogn 2.25

I executed the within on John Sweaney by reading the same in his hearing in Platte County Mo. on the 18th Day of Nov. 1867.

Danl P Lewis

Subscribed & Sworn to before me on this 19th Day of Nov. 1867.

Grant Beal

Notary Public

State of Missouri, } ss.
COUNTY OF PLATTE.

THE STATE OF MISSOURI, TO:

Robert R. Brien

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for the said County of Platte, on Wednesday the 27 day of Nov, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein State Plaintiff, and Albert Hughes Defendant, on the part of said Plff; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office, in Platte City, Mo., this 19 day of Nov A. D. 186 .

D. M. Lufts, CLERK.

BY J. P. Cartwright, D. C.

No. .....

PLATTE CIRCUIT COURT.

Nov Term, 186 7

State

vs Subpœna.

Albert Hughes

Pl'tiffs, } Witnesses.
~~Def'ts.~~ }

Day of Trial 27th

Robert R Breeen 19

Served the within Spa on
the 18 day of Nov 1867
by reading the same
to Rob R Breeen

N P Ogden
Shff

Ogan 75

The State of Missouri Plff

Versus 33

Alfred Hughes Defdt

Now at this day comes the Defendant and on oath States that he cannot safely go to trial at the present term of this Court, and for cause States: That the indictment against him was found at the present term of this court and since his arraignment he has not been able to procure the testimony of important and material witnesses who reside in the State of Kansas and are now by not within the jurisdiction of this Court and he has not been able for want of time and in consequence of his confinement in prison to procure their depositions: That he desires the testimony of said witnesses of great importance and materiality to him and he knows of no persons by whom he can establish the same facts as the fact that he can by said witness, That he is satisfied that if a continuance is granted him he can by the next term of this court procure their testimony, That this application is not made for vexation or delay but in order to have a fair

Trice and to him granted done him.

his
Albert x Hughes
mark

Subscribed and sworn to before
me this the 26th day of November 1867.

F. M. Tufts
Clerk

State of Missouri
County
Albert Hughes

Filed in the Osage County
Nov 27th 1867.
F. M. Tufts
Clerk

State of Missouri, } ss.
COUNTY OF PLATTE,

THE STATE OF MISSOURI, TO:

David Hunt; William H. Hunt;

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for the said County of Platte, on Monday the 16th day of Dec 1867, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein State of Missouri Plaintiff, and Albert Hughes Defendant, on the part of said Defendant; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office, in Platte City, Mo., this 10th day of December A. D. 1867.

F. M. Tufts, CLERK.

BY ....., D. C.

No. .....

PLATTE CIRCUIT COURT.

Nor adjourned Term, 1867

State

vs

Subpœna.

Albert Hughes

~~Pl'ff's~~ } Witnesses.
Def'ts. }

Day of Trial Monday 16th.

David Hunt

William H. Hunt

State of Missouri, } ss.
COUNTY OF PLATTE,

THE STATE OF MISSOURI, TO:

William Burge; Green Smith; Jackson Waller, Daniel Frost. ("Colored")

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for the said County of Platte, on Monday the 16th day of Dec 1867, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein State of Missouri Plaintiff, and Albert Hughes Defendant, on the part of said Defendant; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office, in Platte City, Mo., this 10th day of Dec A. D. 1867.

F. M. Tufts, CLERK.

BY ....., D. C.

No. .....

PLATTE CIRCUIT COURT.

For adj'ds Term, 186 7

State

vs

Subpœna.

Albert Hughes

Pltff's, } Witnessès.
Def'ts. }

Day of Trial Monday 16

William Burge

Green Smith

10 Jackson Waller

10 Daniel Frost

State of Missouri
Platte County, ss.

The prisoner Albert Hughes Comes now before the Court and being duly sworn, upon his Oath States, that he Cannot safely proceed to the trial of this Cause at the present term of this Court, on account of the absence of witnesses whose testimony is material for the defendant on the trial of his Cause, That said witnesses are not in attendance - that two of them have been subpoenaed in Platte County but are not present; That another one who resided in Platte City Platte County, two weeks ago whose name is William Burge
was named in a Precipae then given to the Clerk of this Court, with a request that a subpoena issue for him - that affiant is informed and believes that said Clerk issued said last mentioned subpoena, and that the Sheriff did not serve the same. And that said witness has, since the subpoena was placed in the hands of said Sheriff, gone away from his home in Platte County aforesaid and as affiant is informed and believes is now, Some where in the State of Kansas. That there are other witnesses who reside in Wyandotte Kansas ~~in Lafayette County Missouri~~ whose evidence is material for defendant. That without the evidence of all the aforesaid wit-

nesses the defendant can not have a fair trial, That the defendant has been closely confined in jail since the finding of the indictment in this cause and has not been able to prepare his cause for trial. That none of said witnesses are absent by the Consent or with the connivance of affiant. That he believes he can procure their evidence by the next term of this Court; That he knows of no other witnesses by whom he can prove the same facts that he expects to prove by each and all of said witnesses.

Wherefore this affiant moves the Court for a continuance of this cause until the next Term of this Court, and on oath states that said Motion is not made for vexation or delay, but in order, solely, to have a fair trial, That since the ~~arrest~~ arrest and confinement of affiant he has been wholly unable to take depositions at Wyandotte, not knowing who would take the same or at whose office they could be taken, that a notice to take the same has not been given to the Circuit Attorney, because it would have been unavailing and useless in as much as affiant in his ~~the~~ confinement has been unable to procure means to defray the legal expenses of taking the

same and knew not where or before whom the same could be taken. But that he is now informed by his ~~father~~ Step-Father & believes, that the matter will be attended to before the next term of this Court; and the deponents of the witnesses residing there obtained in time for a trial at the next term of this Court. That ~~these~~ the witness Burge left this County without the knowledge of affiant or since he has learned of his absence he has not had time enough to take his depositions or no notice was given for that purpose because affiant did not know the locality of said Burge or in what County he might be found. That affiant knows of no witness present or absent by whom he can prove the same facts that he expects to prove by said Burge.

his
Albert ✕ Hughes
mark

Subscribed and sworn to before me this the 16th day of December A.D. 1867.

F. M. Tufts
Clerk

State

vs

Albert Hughey

Filed in open Court

Dec 16th 1867.

F. M. Tufts

Clerk

The State of Missouri } Indict for murder
Against } In the Circuit Court for
Albert Hughes } Platte County State of Missouri

To the Hone the Judge of
the Platte Circuit Court

Your petitioner
Albert Hughes would respectfully represent
that at the present terme of the Platte County
Circuit Court, he was indicted for the murder
of one Daniel W Jenkins, and since
said indictment has been found and
on this day the fact for the first time
has come to his knowledge and especially
from the exhibition made before your
honor in the Court room and while your
Honor was on the bench by the vast crowd
assembled, your petitioner is now
satisfied, That the minds of the inhabitants
of the County of Platte in which the Court is sitting
are so prejudiced against this defendant
that a fair trial cannot be had therein;
And he is satisfied that the minds of the
inhabitants of the people of the County of Clay are
so prejudiced against him that a fair
trial cannot be had therein; Your
petitioner would further represent that he
is an infant under the age of twenty one
years of age; Your petitioner therefore

prays that a change of venue be granted his cause to some county where the causes do not exist:

his
Albert X Hughes
mark

Subscribed and sworn to before me this the 16th day of December A.D. 1867.

F. M. Tufts
Clerk

State of Montana }
County of Platte } In the County Court of Platte County

Albert Hughes on oath States that the foregoing petition and the matters therein as stated he believes to be true; And that the minds of the inhabitants of the County of Platte and likewise the minds of the inhabitants of the County of Clay are so prejudiced against him that he cannot have a fair trial in said county, or that a fair trial cannot be had; And he further states that he is under twenty one years of age:

his
albert X Hughes
mark

Subscribed & sworn to before me this 16th day of December A.D. 1867

F. M. Tufts
Clerk

Filed in open Court
Dec 16th a. D. 1867.

F. M. Tufts
Clerk

The State of Missouri } In the Circuit
Against } Court for the County of
Albert Hughes } Platte State of Missouri

To E H Estes Circuit
Attorny in and for the 5th Judicial Circuit
in and for the State of Missouri

You are
Notified that on this day in the Circuit
Court room, in the Court House in the
Town of Platte City, in the case of the
State of Missouri against me, on an
indictment for Murder I shall
present my application for a change
of Venue of said cause, between
the hours of one oclock P M & 6 oclock
P M

Albert Hughes

The State of Missouri } In the Circuit
Against } Court for the County of
Albert Hughes } Platte State of Missouri

To E H Estes Circuit
Attorney in and for the 5th Judicial District
in and for the State of Missouri. You
are notified that on this day in the Circuit
Court Room in the Court House in the
town of Platte City, in the County of the
State of Missouri against me an an
indictment for Murder I Shall
present my application for a change
of venue of said Court between the
hours of one oclock P. M & 6 oclock P M

Albert Hughes

Served the within Notice on the 10 day of
Dec 1867 by delivering a true Copy of
the same to E. J. Estlek Esq Atty
for N. P. Ogan
Asst

Asst by Messrs
Rs
Elbert Hopkins

In Fulton Circuit Court
Dec 16th A.D. 1867.
Filed
Atty

Motion
Elbert

Motion Granted
$1,50