

## United States versus George Musser for murder

### Section 1, Pages 1 - 30

1st District. Funds for digitization provided by Mr. Steve Peckel in memory of William Chalfant.

Date: date of crime January 1, 1858; indictment April 1858

Callnumber: Kansas Territory Criminal Case Files, Box 11, Folder 61

KSHS Identifier: DaRT ID: 445441

Item Identifier: 445441

[www.kansasmemory.org/item/445441](http://www.kansasmemory.org/item/445441)



KANSAS  
HISTORICAL  
SOCIETY

## United States versus George Musser for murder

Territory of Kansas, }  
vs } On indictment,  
Murphy & Musser } for murder, in  
the first District Court of the first Judicial  
District, for said Territory.

The Clerk of said Court  
will please issue a Subpoena in this Cause  
directed to Wm. Peetly, Esq. Rich. Dehart,  
and Bishop, to appear and  
testify in said Cause on the 28th day of  
September 1858,

New.ington & Co  
for Defendants.

## United States versus George Musser for murder

A 211-

N<sup>o</sup> 40

Held in Court 27<sup>th</sup> 1858  
J. N. Whitehead Clk  
By J. T. Minter At

Subpoena issued  
27<sup>th</sup> —

## United States versus George Musser for murder

Territory of Kansas }  
County of Leavenworth } To William Turner Sen  
Levy Edwards William Turner Jun John H  
Henton Jackson Crane Columbus  
Cragin Joseph T. Musser David Murphy  
and Robert Peaslee  
Greeting we command you set a side all  
manner of Excuse and Delay you be and  
appear before the District Judge at the  
Clerks office in Leavenworth City on the  
first day of February 1858 at ten of the  
Clock of that day to testify in a cause  
now pending where in the Territory of  
Kansas is Plaintiff and George Musser  
and William Murphy is Defendants on  
the part of the defendant and of this  
sole sole not at your peril given under  
my hand this 30<sup>th</sup> day of January 1858  
Harsh Ellrath JP

## United States versus George Musser for murder

John H. Fenton, first being duly sworn  
 says upon oath that he recollects the murder was  
 of <sup>by means of a dagger</sup> suspicion to the murder named, Jerry Edwards  
 Columbus Texas, on the 1<sup>st</sup> day of January  
 1858,  
 subscribed & sworn to before  
 Me this 1<sup>st</sup> day of February 1858.  
 J. H. Fenton

Subscribed  
 Henry Longfellow  
 George Musser &  
 William Murphy  
 Geo Lee - 25

## United States versus George Musser for murder

John H. Denton, first lawyer any person  
says upon oath that he recollects the names  
of persons who were present at the murder  
of Columbus Kerame, on the 1<sup>st</sup> day of January  
1858,  
Subscribed & sworn to before  
me this 1<sup>st</sup> day of February 1858.  
Jas. C. Whitely, J. C.

Subpoena  
Territory of Kansas  
vs  
George Musser &  
William Murphy  
Justices - 25

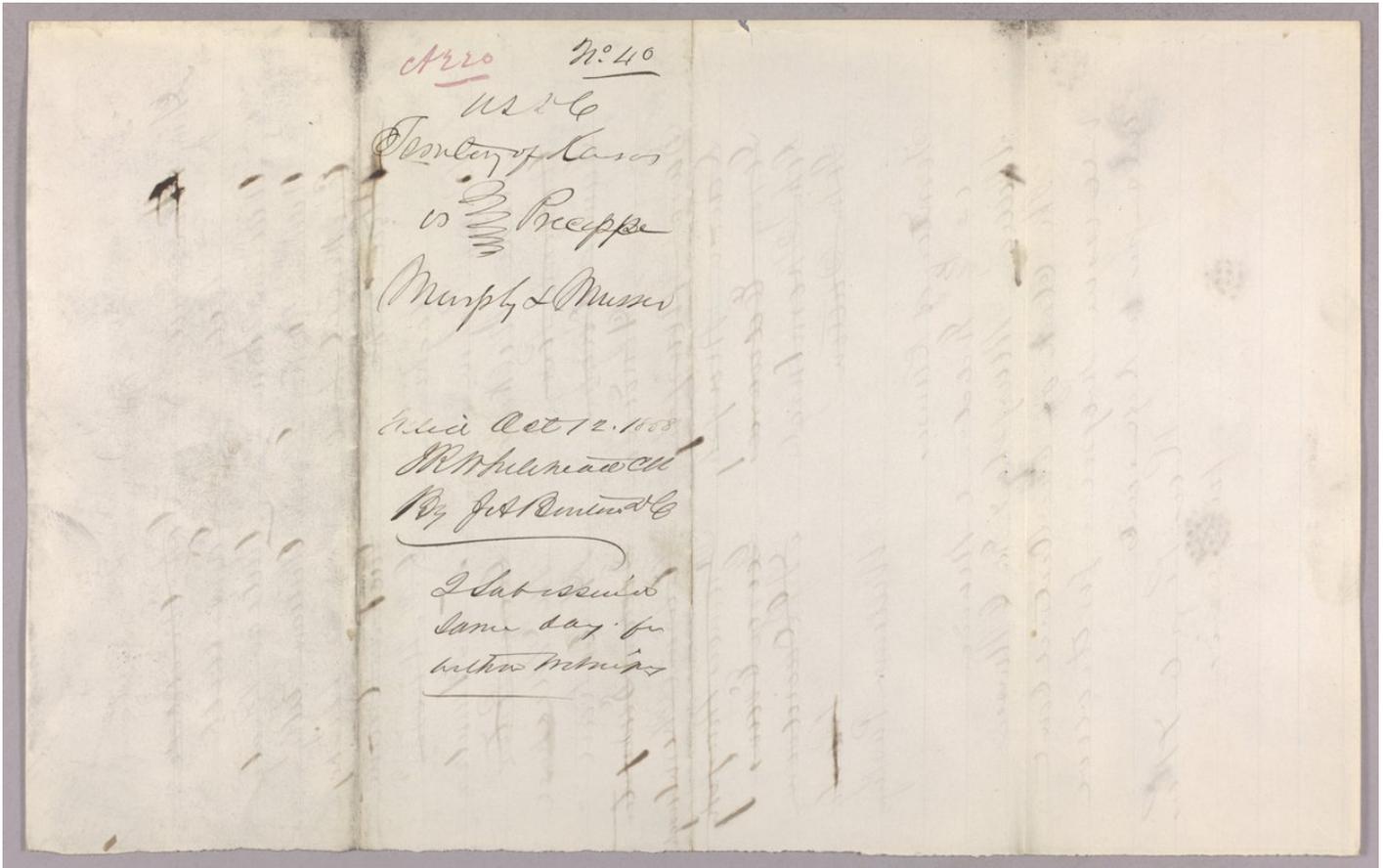


## United States versus George Musser for murder

~~Amy Sutton~~  
~~John Waddell~~  
~~Baley~~  
~~James Webb~~  
~~William Turner Sr~~  
~~William Peaty~~  
~~William Turner Jr~~  
~~William Peably~~  
~~Ezekiel Dehart~~  
~~Bishop~~  
~~Alfred Parks~~  
~~Jackson Crane~~  
~~Galagher~~  
~~J. J. Musser~~  
~~Bery Payne~~  
~~St. Dunbar~~  
~~Mike Wilkins~~  
~~George Peter~~  
~~William Peay~~  
~~W. Michael~~  
~~James Dugan~~  
~~A. Dehart~~  
~~Henderson~~  
~~Susan Sumpter~~  
~~Sarah Murphy~~  
~~Pleasant Thornburgh~~  
~~Sarah Murphy~~  
~~Francis Murphy~~  
~~Jerry Edwards~~  
~~George Evans~~  
~~John Thornburgh~~  
~~A. J. Davidson~~  
~~John Sutton~~  
~~Party~~  
~~William Pasley~~

Territory of Kansas  
vs  $\frac{2}{3}$  Indictment Murder  
William Murphy & Geo C Musser  
The Clerk of the District Court  
will issue warrants for the above  
defendants  
Res. Payne & Pas  
for Defendants

## United States versus George Musser for murder





## United States versus George Musser for murder

United States of America.

TERRITORY OF KANSAS, }  
FIRST JUDICIAL DISTRICT, } ss.

### THE TERRITORY OF KANSAS,

To William Peably, Esquire, Sheriff  
and Bishop

We command you to be and appear in your own proper person, before the Judge of the First District Court of the United States, within and for the First Judicial District of the Territory of Kansas, at the Court House in the City of Leavenworth, on the 2nd day of the next Term of said Court, it being the 28th day of September A. D. 1858. Then and there to testify on behalf of the Defendants in a certain matter of controversy now depending, and undetermined in said Court, wherein The Territory of Kansas is Plaintiff and Geo. Musser is Defendant; and this do you in no wise omit, under penalty of the law.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office, in the City of Leavenworth, this 27th day of September A. D. 1858.

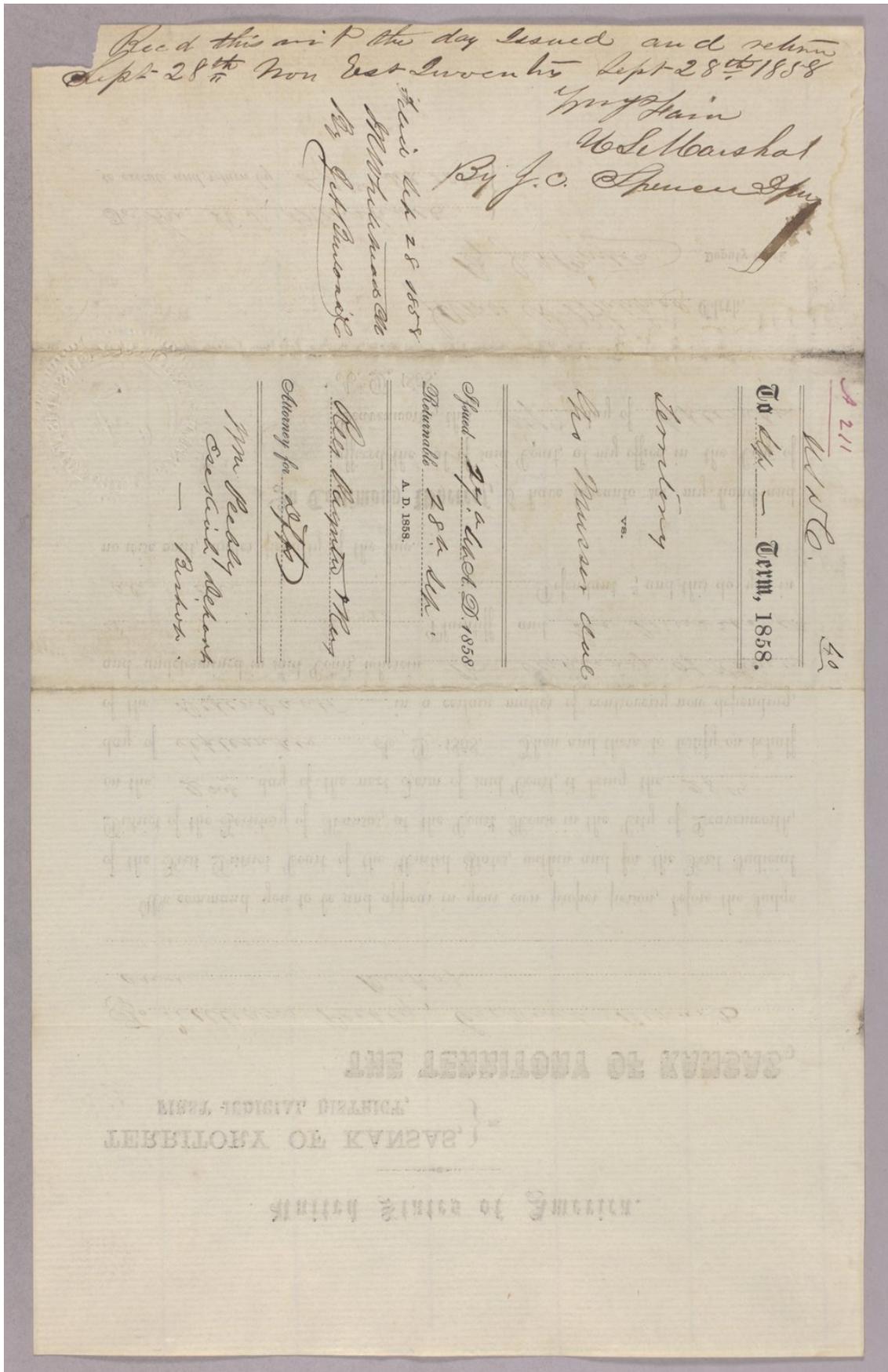
James R. Whistling Clerk.

By J. M. [Signature] Deputy Clerk.

To the U.S. Marshall }  
to execute and return by 28th Sep 1858 }



## United States versus George Musser for murder



Rec'd this writ the day issued and return  
Sept 28<sup>th</sup> Non Est Inventis Sept 28<sup>th</sup> 1858

Rec'd let 28 1858  
Wm. H. H. H.  
By J. C. Spencer Esq

Wm. H. H. H.  
By J. C. Spencer Esq

211  
W. H. H.  
Do W. H. H. Term, 1858.

Wm. H. H.  
vs  
George Musser

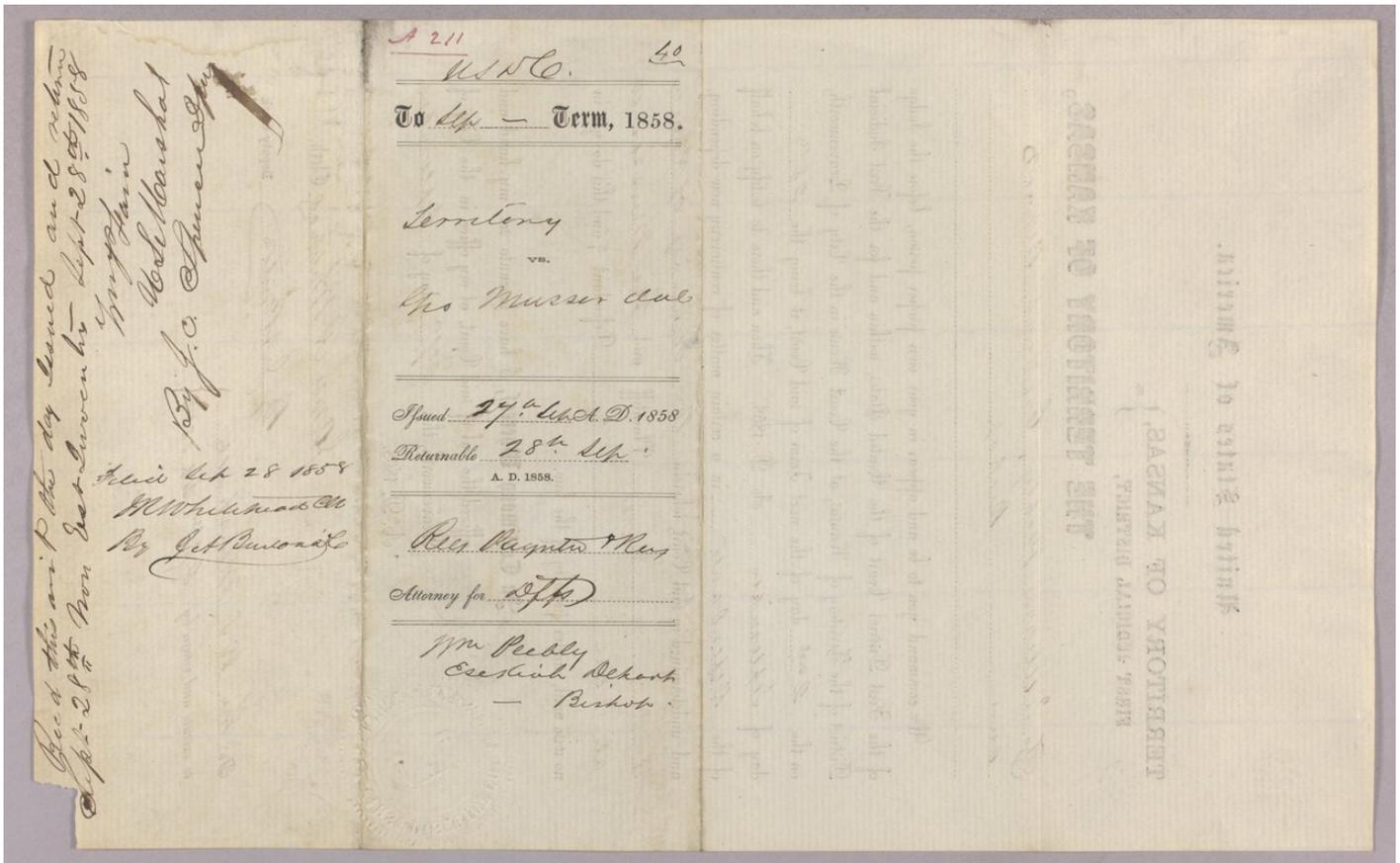
Spued 27<sup>th</sup> Oct 1858  
Mansfield 28<sup>th</sup> W. H.  
A. D. 1858.

Attorney for W. H. H.  
Wm. H. H.

Wm. H. H.  
Esquire, Kansas  
- - - - -  
Kansas

THE TERRITORY OF KANSAS  
DISTRICT OF KANSAS  
Territory of Kansas  
District of Kansas

## United States versus George Musser for murder





## United States versus George Musser for murder

UNITED STATES OF AMERICA.

TERRITORY OF KANSAS, )  
*First Judicial District* SS.  
 COUNTY.)

THE TERRITORY OF KANSAS,

To *Bluffert and George Bluffert*

We command you to be and appear in your own proper person before the Judge of the First District Court of the United States, within and for the *First Judicial District* of the Territory of Kansas, at the Court House in the City of *Lecompton* on the *first* day of the next Term of said Court, it being the *27<sup>th</sup>* day of *September* A. D. 1858, then and there to testify on behalf of the *Deft* in a certain matter of controversy now depending and undetermined in said Court, wherein *the Territory of Kansas* is *Plaintiff*, and *George Musser and others* are Defendants, and this do you in nowise omit, under penalty of the law.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at my office, in the City of *Lecompton* this *11<sup>th</sup>* day of *September*, A. D. 1858.

*James R. Whitford* Clerk.  
*By J. A. Milton* Deputy Clerk.

To the U. S. Marshal }  
 to execute and return by *27<sup>th</sup> Sep* }

## United States versus George Musser for murder

Received this writ 11 <sup>th</sup> Sept 1858. Served by reading to the within named Writter this 23 <sup>d</sup> day of September 1858. Wm. Hain Writ Marshal By J. E. Spencer Deputy	<u>211</u> <u>40</u> To Supplement Term, 1858 Territory vs. Subpoena Geo. Musser et al Issued 11 <sup>th</sup> Sept A. D. 1858 Returnable 27 <sup>th</sup> Sept A. D. 1858	
Service 1.00 Mileage 2.28 3.28	Attorney for Blufford B 18 Blodgett B 20 in Musser's handwriting	

## United States versus George Musser for murder

Territory of Kansas, In the First Dis-  
 trict Judicial District }  
 District Court.  
 April Term AD 1858.

The Grand Jurors for  
 the Territory of Kansas, for the First  
 Judicial District, sworn to enquire,  
 upon their oath present, That, George  
 Musser, late of Leavenworth County,  
 and William Murphy, <sup>and John Musser, of the</sup> late of the said  
<sup>same county</sup> County, not having the fear of God be-  
 fore their eyes, but being moved and se-  
 duced by the instigation of the Devil  
 on the Thirtieth day of January, in  
 the year of our Lord one thousand  
 eight hundred and fifty eight, at  
 Leavenworth County, in the First Judi-  
 cial District, in the Territory of Kan-  
 sas, and within the jurisdiction of the  
 said Court, with force and arms, in and  
 upon one Lewis Sampson, in the peace  
 of God and the said Territory then and  
 there being, feloniously, wilfully, delib-  
 erately and with premeditation did  
 make an assault, And that the said  
 George Musser, a certain shot-gun, of  
 the value of ten dollars, then and  
 there loaded and charged with gun  
 powder and ten leaden bullets, common-  
 ly called buckshot, which gun, he the

## United States versus George Musser for murder

said George Musser, in both his hands  
then and there had and held, to, against  
and upon the said Lewis Sumpter,  
then and there, feloniously, wilfully, de-  
liberately and with premeditation did  
shoot and discharge; and that the said  
George Musser, with one of the leaden-  
bullets aforesaid, out of the gun  
aforesaid, then and there, by force of the  
gunpowder, shot and sent forth as  
aforesaid, the aforesaid Lewis Sumpter,  
in the forehead of him the said  
Lewis Sumpter, then and there, fe-  
loniously, wilfully, deliberately and  
with premeditation did strike, pen-  
etrate and wound, giving to the  
said Lewis Sumpter, then and  
there, with the leaden bullets aforesaid,  
so as aforesaid, shot discharged and  
sent forth out of the gun aforesaid,  
by the said George Musser, in and  
upon the forehead of him the said Lewis  
Sumpter, one mortal wound of  
the depth of five inches and of the  
breadth of three inches, of which said  
mortal wound the said Lewis Sumpter  
then and there instantly did die, and  
that the aforesaid William Murphy &  
John Musser, then and there, feloniously, wilfully,  
deliberately and with premeditation  
was present, aiding, helping, abetting  
and comforting, assisting and maintain

## United States versus George Musser for murder

ing the aforesaid George Musser, the felony and murder aforesaid, in manner and form aforesaid to do and commit. And so the Jurors aforesaid, upon their oath aforesaid do say, that the said George Musser, <sup>John Musser</sup> and William Murphy, the said Lewis Sumpter then and there, in manner and form, aforesaid, feloniously, wilfully, deliberately and with premeditation did kill and murder, contrary to the form of the statute in such case made and provided and against the peace and dignity of of the Territory of Kansas.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said George Musser, William Murphy, and John Musser, afterwards to wit on the thirty first day of January in the year aforesaid, at the place aforesaid, in and upon the said Lewis Sumpter, then and there in the peace of God and the said Territory being, feloniously and wilfully did make an assault, and that the said George Musser, a certain shot gun, of the value of ten dollars, then and there loaded and charged with gunpowder and ten leaden bullets which gun he, the said George Musser, in both his hands then and there had and held, to, against and upon the said Lewis Sumpter, then and there feloniously and wilfully did shoot and discharge, and that the said George Musser, with the leaden bullets aforesaid, out of the gun aforesaid, then and there, by force of the gunpowder shot and sent forth as aforesaid, the aforesaid Lewis Sumpter, in the forehead of him the said Lewis Sumpter, then



## United States versus George Musser for murder

and there feloniously and wilfully did strike, penetrate and wound, giving to the said Lewis Sumpter, then and there, with the leaden bullets aforesaid, so as aforesaid shot discharged and sent forth out of the gun aforesaid by the said George Musser, in and upon the forehead of him the said Lewis Sumpter one mortal wound, of the depth of four inches and of the breadth of three inches, of which said mortal wound, the said Lewis Sumpter then and there instantly died; and that the aforesaid William Murphy and John Musser feloniously present, aiding, helping, abetting and comforting, assisting and maintaining the said George Musser, the felony and manslaughter aforesaid, in manner and form aforesaid, to do and commit. And so the jurors aforesaid, upon their oath aforesaid do say that the said George Musser, William Murphy, and John Musser the said Lewis Sumpter, then and there in manner and form aforesaid feloniously and wilfully did kill and slay, contrary to the form of the statute in such case made and provided and against the peace and dignity of the said territory of Kansas.

C. H. Groner, District Attorney.

Sent in May 30<sup>th</sup> 1858

40  
A 211

Secretary of Kansas  
George Musser et al

Filed 4<sup>th</sup> May 1858  
W. H. Hatcher et al  
By J. A. Burt et al

A True Bill

William C. Dwyer  
Thomas G. Smith, Jr.

Musser,  
R. H. Blair and  
J. Murphy  
J. Sumpter  
J. W. Foster  
John Lane

## United States versus George Musser for murder

Incl. in orig 30<sup>th</sup> 1858

A 211 40

Territory of Kansas  
vs  
George Musser et al

Filed 4<sup>th</sup> May 1858  
W. Whitehead Clk  
By J. B. Cantelero  
A True Bill  
William C. Dwyer  
Prosecutor  
Witnesses  
R. H. Leonard  
J. Murphy  
J. Sumner  
J. Foster  
Robert L. Case

and this feloniously and unlawfully did strike and kill, and  
murdered the said Lewis Sumpter, there ever there  
with the eastern bullet of a pistol, as no offence what  
discharged and fired out of the gun of the  
by the said George Musser, in and upon the presence  
him the said Lewis Sumpter, in mortal wounds, of the  
of a leaden ball mortal wound, the said Lewis Sumpter,  
then and there lawfully shot, and that the offence  
Liam Murphy and John Musser, jointly  
pursued, acting, abetting, and comforting, as  
saying and maintaining the said George Musser,  
the felony and manslaughter of the said George Musser,  
from offence, do not intend, show, or the same  
offence, upon their oath of offence do say that the  
said George Musser, William Murphy, and  
John Musser, the said Lewis Sumpter,  
Kato in presence and from offence feloniously and  
unlawfully did kill and slay, concerning to the felony  
the offence in such case murder and premeditated  
organized the same case of the said Lewis Sumpter  
of the said Lewis Sumpter, and that the said  
William Murphy, and John Musser, the said Lewis Sumpter,



## United States versus George Musser for murder

The Territory of Kansas  
 vs  
 Geo. Musser,  
 William Murphy &  
 John Musser

In the District Court  
 of the United States, in and for  
 the first judicial  
 district of the Territory  
 of Kansas —  
 Indictment for Murder

Now Comes the said Territory  
 and moves the Court to charge  
 the Jury in this cause as  
 follows:

1<sup>st</sup> That if the jury believe from the  
 evidence that the defendants  
 or either of them, wilfully, deliberately  
 and premeditated, killing the deceased  
 Lewis Sumpter, <sup>of words or acts</sup> or were accessa-  
 ries before the fact to such  
 killing, then they shall find them  
 guilty of murder in the first  
 degree —

2<sup>nd</sup> That the killing of the deceased  
 Lewis Sumpter was not justifiable  
 unless it was done, either  
 first — in assisting an attempt to  
 murder the defendants, or to commit  
 a felony upon them, <sup>or</sup> in some  
 dwelling house in which they were  
 at the time; or  
 Secondly — in the lawful defense



## United States versus George Musser for murder

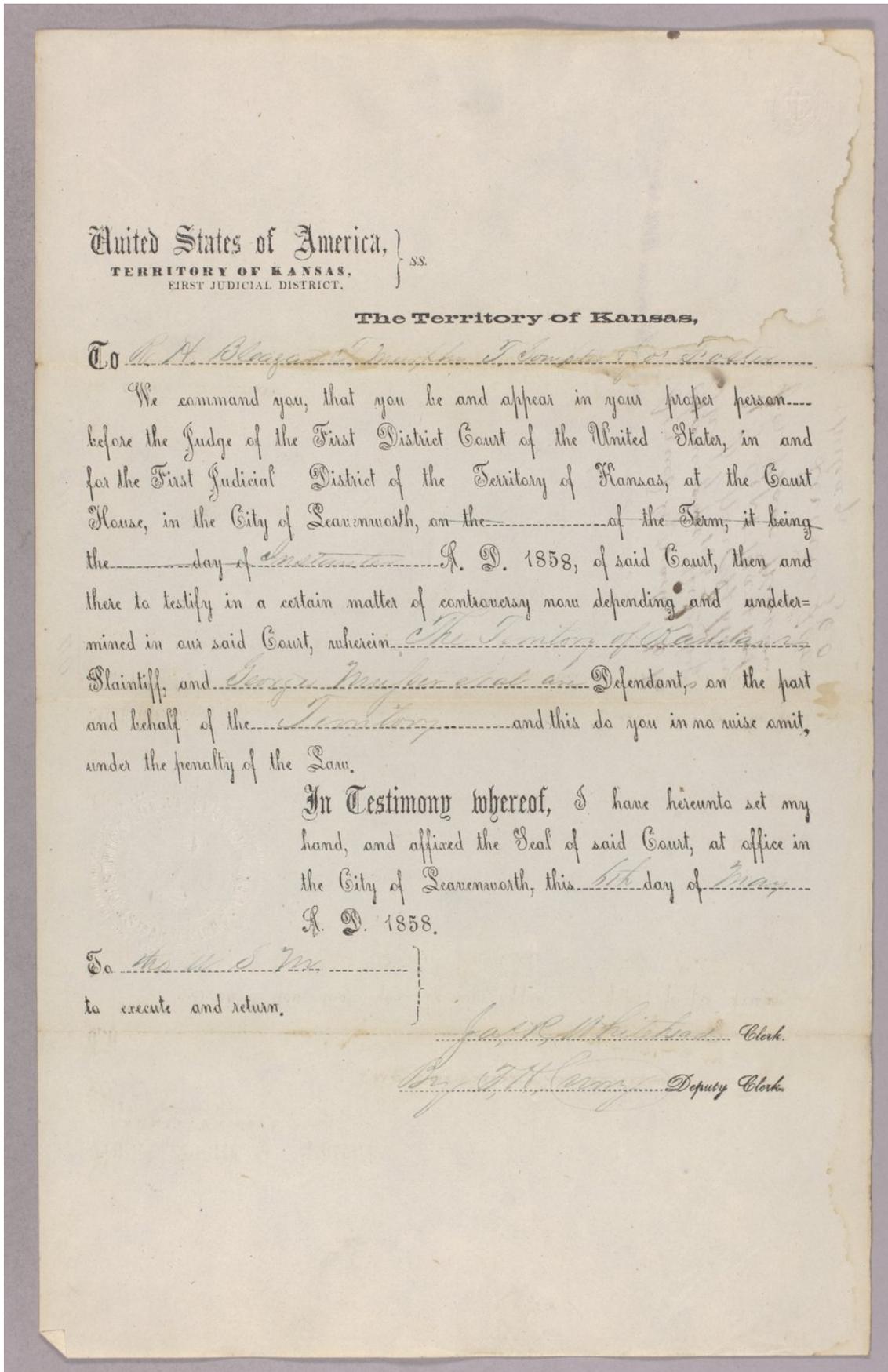
of the said defendants or dependants,  
or of his or their ~~husband~~ wife, parents,  
Child, Master, Mistress, apprentice  
or Servant, when there was reason-  
able ground to apprehend a design  
to commit a felony, or to do some  
great personal injury, and <sup>there</sup> was immedi-  
ate danger of such design being  
accomplished

3<sup>d</sup> That the jury must be satisfied  
from the evidence that there was  
<sup>reasonable cause to apprehend a design</sup>  
~~reasonable~~ danger that a felony would  
be in fact committed, or  
that some great personal injury  
<sup>& more than was immediately dangerous to some person</sup>  
would be in fact done, unless the  
deceased was arrested & death

4<sup>th</sup> That it is not a sufficient de-  
fense that the accused believed  
it was necessary to take the life  
of the deceased, in order to protect  
themselves from some great per-  
sonal injury



## United States versus George Musser for murder



United States of America, }  
TERRITORY OF KANSAS, } ss.  
FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *R. H. Blazan* *Deputy Sheriff*

We command you, that you be and appear in your proper person... before the Judge of the First District Court of the United States, in and for the First Judicial District of the Territory of Kansas, at the Court House, in the City of Leavenworth, on the \_\_\_\_\_ of the Term, it being the \_\_\_\_\_ day of *September* A. D. 1858, of said Court, then and there to testify in a certain matter of controversy now depending and undetermined in our said Court, wherein *The Territory of Kansas* Plaintiff, and *George Musser* Defendant, on the part and behalf of the *Territory* and this do you in no wise omit, under the penalty of the Law.

In Testimony whereof, I have hereunto set my hand, and affixed the Seal of said Court, at office in the City of Leavenworth, this *5th* day of *May* A. D. 1858.

To *the U. S. M.* }  
to execute and return.

*J. R. Whitman* Clerk.  
*J. H. Camp* Deputy Clerk.





## United States versus George Musser for murder

United States of America, }  
 TERRITORY OF KANSAS, } ss.  
 FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *Paym. Sen. Perry Cass, - - Humber, Miss. McKean*  
*Geo. H. Porter, Wm. Pease, M. M. C. James Logan*

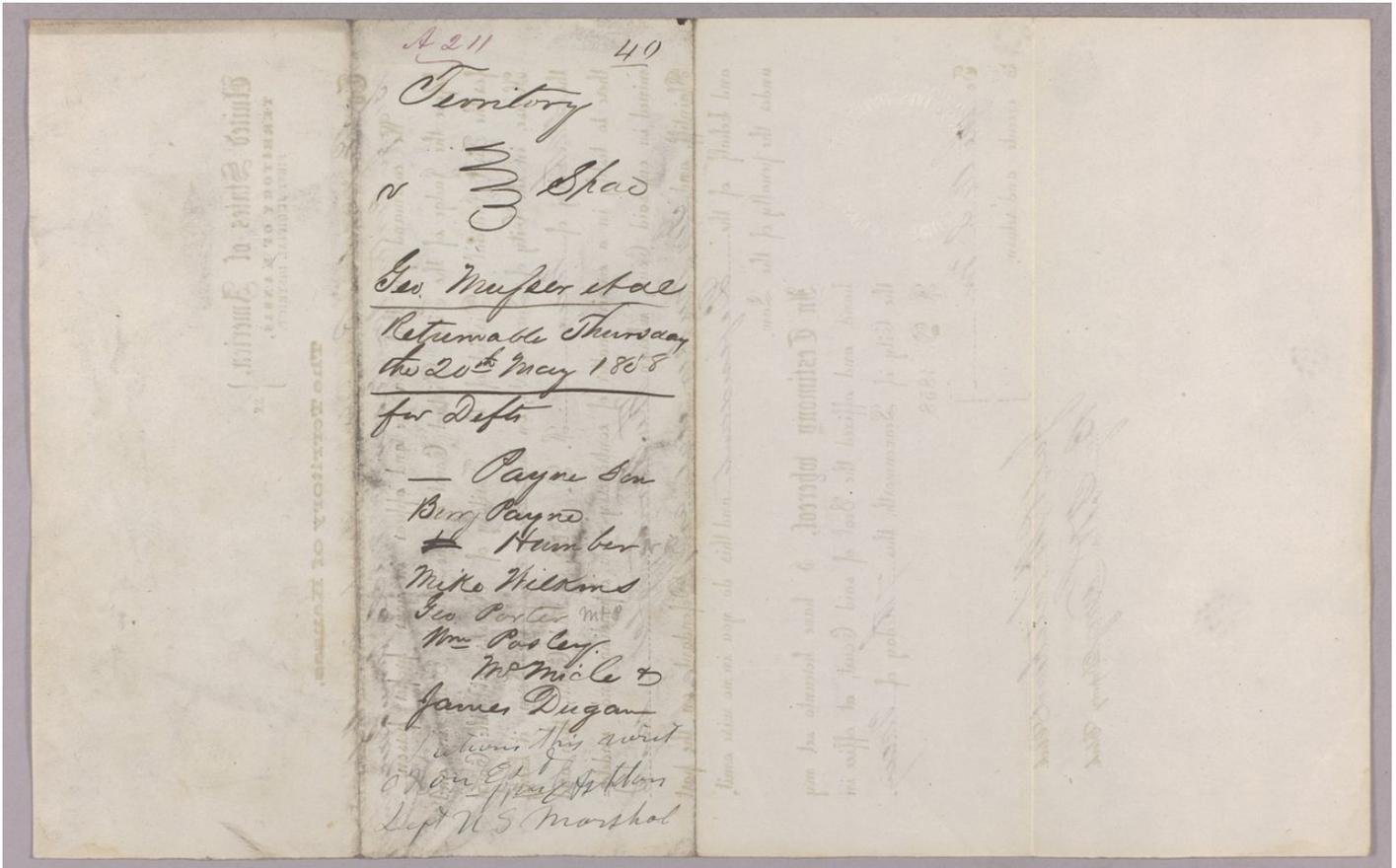
I command you that you be and appear in your proper person---  
 before the Judge of the First District Court of the United States, in and  
 for the First Judicial District of the Territory of Kansas, at the Court  
 House, in the City of Leavenworth, on the ~~Thursday~~ *Thursday* of the Term, it being  
 the *21st* day of *May*----- A. D. 1858, of said Court, then and  
 there to testify in a certain matter of controversy now depending and undeter-  
 mined in our said Court, wherein *The Territory of Kansas is*  
 Plaintiff, and *Geo. Musser et al. are* Defendants on the part  
 and behalf of the *Defendants* and this do you in no wise omit,  
 under the penalty of the Law.

In Testimony whereof, I have hereunto set my  
 hand, and affixed the Seal of said Court, at office in  
 the City of Leavenworth, this *7th* day of *May*.  
 A. D. 1858.

To *the U. S. M.*----- }  
 to execute and return. }

*Jas. P. Mitchell* Clerk.  
*By J. H. Cury* Deputy Clerk.

## United States versus George Musser for murder





## United States versus George Musser for murder

United States of America, }  
TERRITORY OF KANSAS, } ss.  
FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *John Sutton - Bailiff, Wm Turner Sr, Wm Turner Jr,*  
*John Waddle, James Webb, Wm Bratt,*

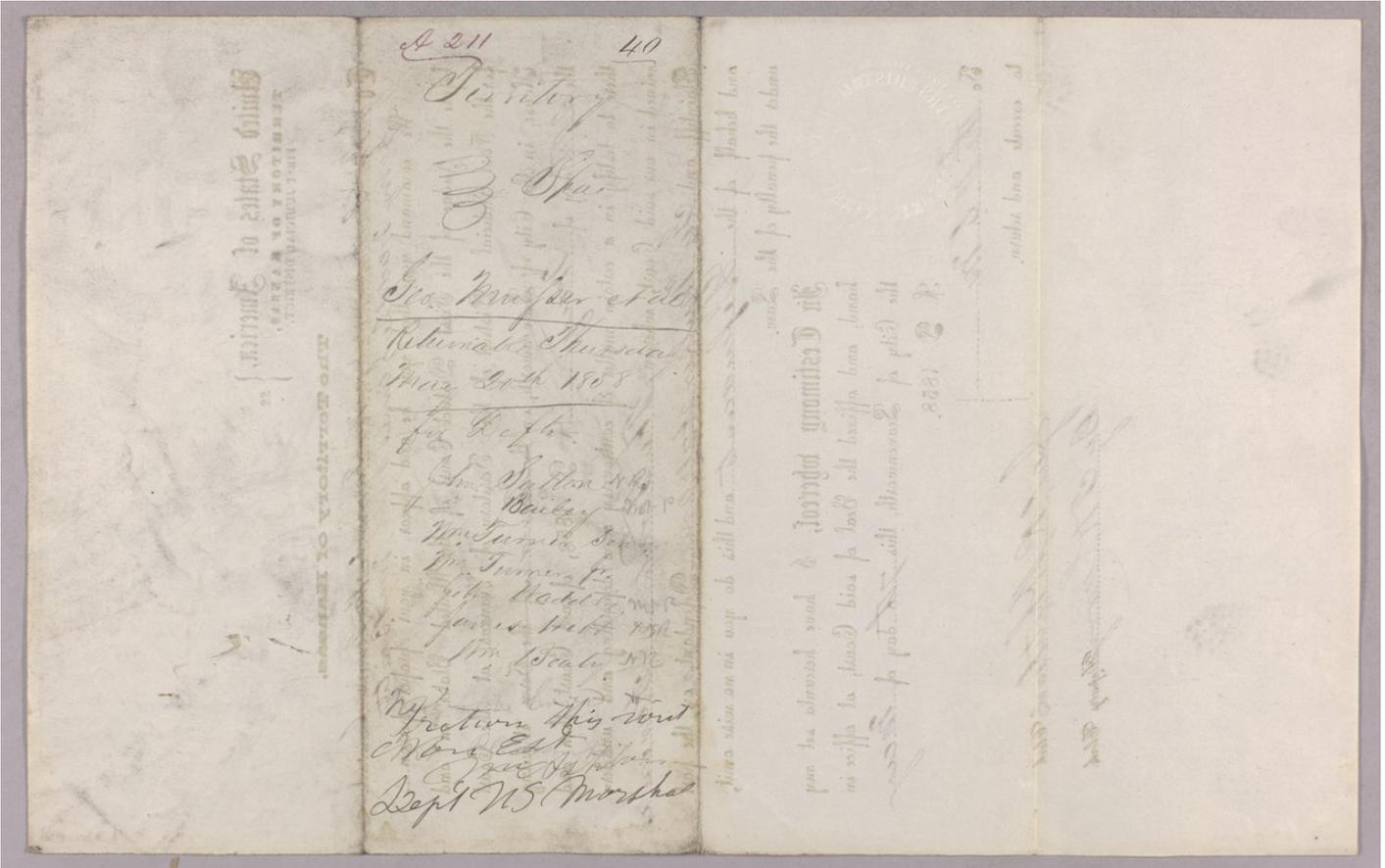
We command you, that you be and appear in your proper person...  
before the Judge of the First District Court of the United States, in and  
for the First Judicial District of the Territory of Kansas, at the Court  
House, in the City of Leavenworth, on ~~the Thursday~~ of the Term, it being  
the 21<sup>st</sup> day of May A. D. 1858, of said Court, then and  
there to testify in a certain matter of controversy now depending and undeter-  
mined in our said Court, wherein *The Territory of Kansas is*  
Plaintiff, and *Geo Musser et al are* Defendant, on the part  
and behalf of the *Defendants* and this do you in no wise omit,  
under the penalty of the Law.

In Testimony whereof, I have hereunto set my  
hand, and affixed the Seal of said Court, at office in  
the City of Leavenworth, this 7<sup>th</sup> day of May  
A. D. 1858.

To *the U. S. M.*  
to execute and return.

*James M. Keith* Clerk.  
*By J. H. ...* Deputy Clerk.

## United States versus George Musser for murder





## United States versus George Musser for murder

United States of America, }  
TERRITORY OF KANSAS, } ss.  
FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *the undersigned Susan Campbell Sarah Musser Pleasant Hamilton  
H. De Hart D. Murphy Francis Murphy & Perry Edwards*

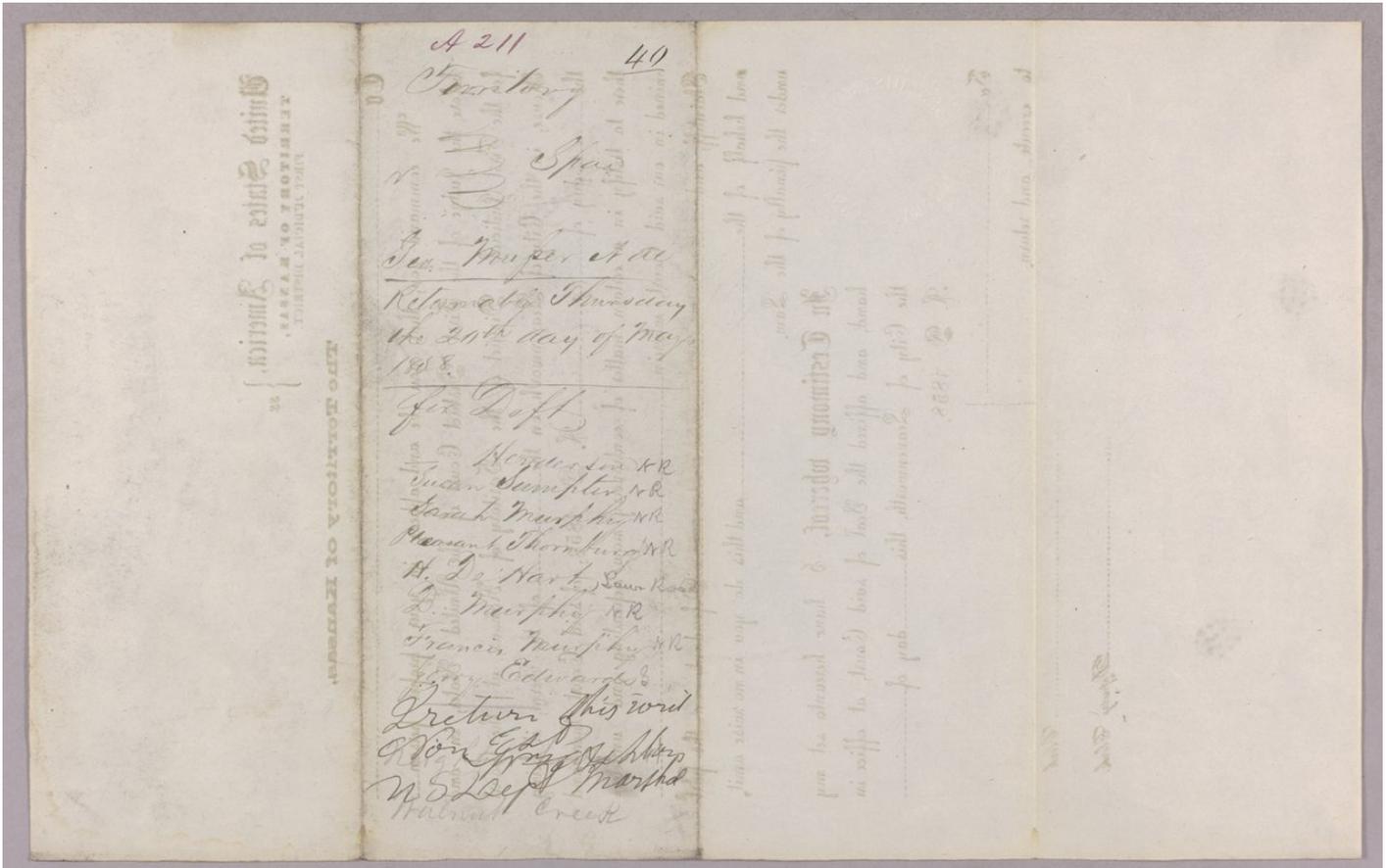
We command you, that you be and appear in your proper person...  
before the Judge of the First District Court of the United States, in and  
for the First Judicial District of the Territory of Kansas, at the Court  
House, in the City of Leavenworth, on the *Thursday* of the Term, it being  
the *20th* day of *May* A. D. 1858, of said Court, then and  
there to testify in a certain matter of controversy now depending and undeter-  
mined in our said Court, wherein *The Territory of Kansas* is  
Plaintiff, and *George Musser et al* Defendant, on the part  
and behalf of the *Defendants* and this do you in no wise omit,  
under the penalty of the Law.

In Testimony whereof, I have hereunto set my  
hand, and affixed the Seal of said Court, at office in  
the City of Leavenworth, this *7th* day of *May*  
A. D. 1858.

To *the U.S.M.* }  
to execute and return.

*Jack Whitehead* Clerk.  
*Wm. A. Curran* Deputy Clerk.

## United States versus George Musser for murder





## United States versus George Musser for murder

United States of America, }  
TERRITORY OF KANSAS, } ss.  
FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *Robert Carr, Jac. son Carr, - G. Mezer (Carter)*  
*of G. Musser.*

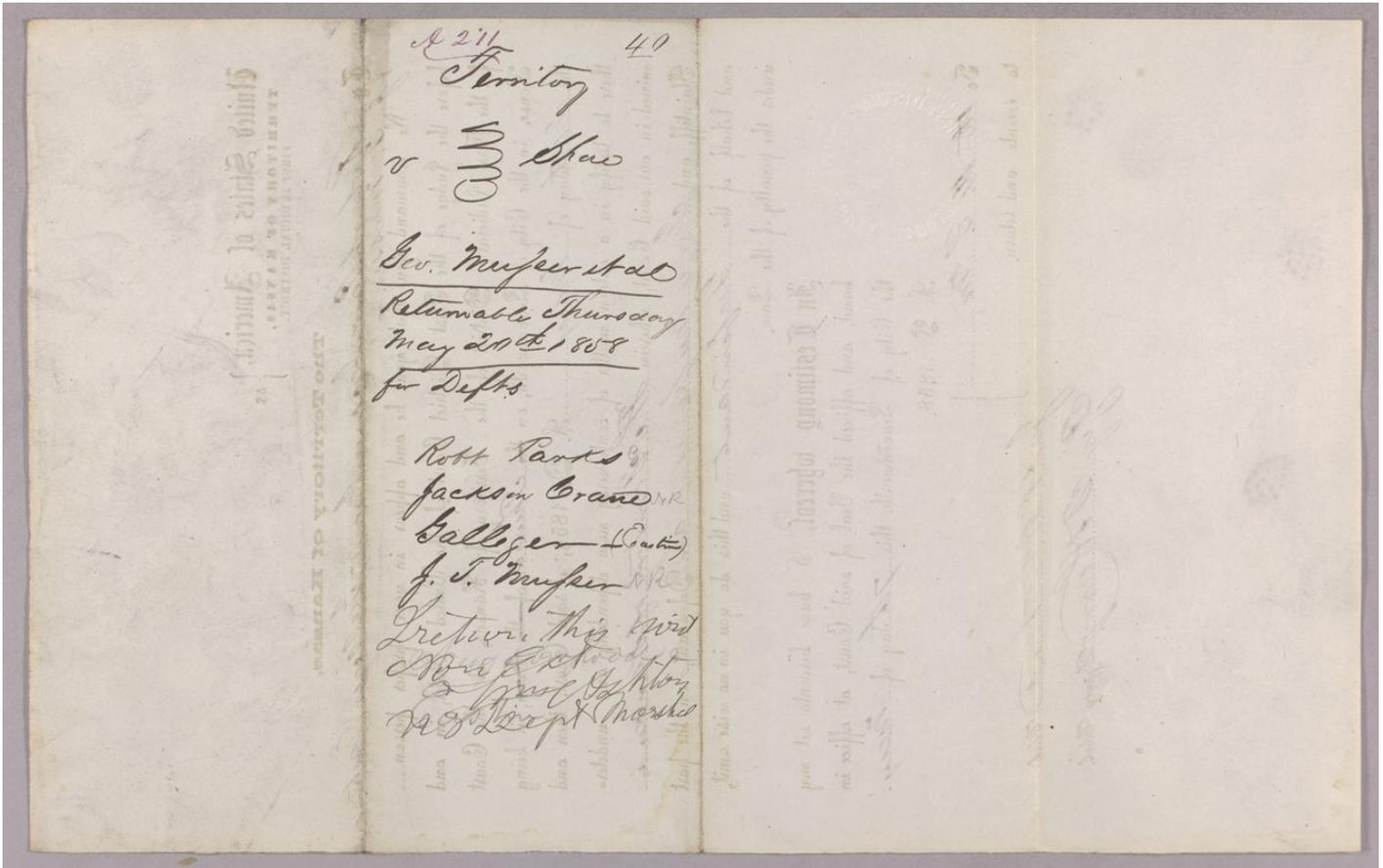
We command you, that you be and appear in your proper person---  
before the Judge of the First District Court of the United States, in and  
for the First Judicial District of the Territory of Kansas, at the Court  
House, in the City of Leavenworth, on the ~~Thursday~~ *Thursday* of the Term, it being  
the *21st* day of *May* A. D. 1858, of said Court, then and  
there to testify in a certain matter of controversy now depending and undeter-  
mined in our said Court, wherein *The Territory of Kansas is*  
Plaintiff, and *George Musser et al.* are Defendants on the part  
and behalf of the *Defendants* and this do you in no wise omit,  
under the penalty of the Law.

In Testimony whereof, I have hereunto set my  
hand, and affixed the Seal of said Court, at office in  
the City of Leavenworth, this *7th* day of *May*  
A. D. 1858.

To *the U. S. M.* }  
to execute and return. }

*J. R. Whithead* Clerk.  
*J. J. Henry* Deputy Clerk.

## United States versus George Musser for murder





## United States versus George Musser for murder

United States of America, }  
TERRITORY OF KANSAS, } ss.  
FIRST JUDICIAL DISTRICT.

The Territory of Kansas,

To *George Evans, Bishop, John Thornburg, A. J. Davis*

We command you, that you be and appear in your proper person... before the Judge of the First District Court of the United States, in and for the First Judicial District of the Territory of Kansas, at the Court House, in the City of Leavenworth, on the ~~Thursday~~ of the Term, it being the 20th day of May A. D. 1858, of said Court, then and there to testify in a certain matter of controversy now depending and undetermined in our said Court, wherein The Territory of Kansas is Plaintiff, and George Musser et al Defendant, on the part and behalf of the Defendants and this do you in no wise omit, under the penalty of the Law.

In Testimony whereof, I have hereunto set my hand, and affixed the Seal of said Court, at office in the City of Leavenworth, this 7th day of May A. D. 1858.

To the U. S. M. }  
to execute and return.

*John R. Whitehead* Clerk.  
*G. J. Henry* Deputy Clerk.