E.D. Transcript Hearing George Cubine death
Dec. 14-16, 1892
Jan. 16, 1893
Remand for trial

#1402 No 7287

Transcript

State of Kansas

vs

Emmet Dalton

W.E. Ziegler and
J.R. Charlton Attys
for State

F.J. Fortich Atty
for Deft

Filed Jan 17-1893

W. E. Forrester
Clerk Dist Court

State of Kansas
Montgomery County } ss

Before W E Johnson a Justice of the Peace of Independence City in said County

The State of Kansas Plaintiff
vs
Emmett Dalton Defendant
} No 140 Criminal Action

Dec 14, 1892 J R Charlton made complaint on oath charging that on the 5th day of October 1892 in the County of Montgomery and State of Kansas Emmett Dalton did then and there unlawfully feloniously willfully maliciously felonously and of his deliberately premeditated malice aforethought make an assault upon the person of one George Corbin with a certain Winchester Rifle loaded with Gunpowder and leaden balls which said Winchester rifle he the said Emmett Dalton then and there held in his hands and which said Winchester rifle loaded as aforesaid the said Emmett Dalton did then and there while engaged in the perpetration of an attempt to perpetrate a robbery of the First National Bank of Coffeyville Kan unlawfully feloniously willfully maliciously and of his deliberately premeditated malice aforethought fire off and discharge at against and upon the body of him the said George Corbin thereby and by means thereof striking the said George Corbin with one

of the said Emmett Dalton
ball by force of the Gunpowder aforesaid
did penetrate into and through the body of him the
said George Corbin inflicting on and in
his body one mortal wound of which said
mortal wound he the said George Corbin
then & there died; and so the said Emmett
Dalton by the means aforesaid and while engaged
in the perpetration of a robbery of the First National
Bank of Independence Kan unlawfully willfully
maliciously and of his deliberately premeditated
malice aforethought did the said George
Corbin did kill and murder contrary to
the statutes in such cases made and provided
and against the peace and dignity of
the state of Kansas

Warrant issued and dated Dec 14, 1892 returnable
forthwith Warrant returned and filed Dec 14, 1892
with the following return endorsed thereon to wit
Received this writ Dec 14 1892 served by arresting
the within named defendant Emmett Dalton and
have his body before the court this 14th day of
Dec 1892
Dec 17 1892 case called for hearing and by
agreement Continued to Dec 16.92 at 3 o'clock
PM and defendant not being admitted to
bail was committed by written order of
commitment signed by me to the Jail of

Montgomery County

Dec 16/892 2 o clock P.M. Case called for hearing Present State by J.R. Charlton defendant ~~by~~ in person the Charges made against said defendant were distinctly read to him when he demanded an examination By consent case set down for hearing Jan 4, 1893 at 9 o clock AM. and deft not being admitted to bail He was committed to the Jail of Montgomery County by a written order of Commitment signed by one

Jan 4/893 9 o clock AM case called for hearing present State by her attorney W.E. Beigler & J.R. Charlton defendant in person and by atty D.J. Foster.

Deft files motion to Quash proceedings under this complaint and Warrant for the reason that there is now pending in District Court in and for Montgomery County Kansas an information against the defendant charging him with the same Offense and proceeding against him for the same unlawful act as that charged in said complaint & Warrant in this action

Motion was by court overruled Defendant then objects to any evidence to any evidence being introduced

in the case for the reasons alleged in motion to Quash. Objection Overruled
Witnesses sworn & examined on behalf of State L.L. Ayres J.H. Brooks Wm. Wilson
Kirby Long Statements

Defendant does not introduce any evidence and refused to cross examine witnesses

The court thereupon finds from the evidence introduced that the crime as charged has been committed and there are reasonable grounds for believing defendant Emmett Dalton guilty of the commission

It was thereupon by the court ordered that defendant be not admitted to bail and that he stand committed to the Jail of said County to await trial at next term of District Court

G E Gilmore
Justice of the Peace

State of Kansas
Montgomery County } ss

I, G. E. Gilmore Justice of the Peace within and for Independence City Montgomery County Kansas hereby certify that the above and foregoing is a true and

Complete transcript of the proceedings had by and before me in the case of the State of Kansas vs Emmett Dalton as the same appears on my criminal Docket and as the same were had before me in said case

Witness my hand at Independence Kansas this 16th day of January A.D. 1893

G E Ephmore

Justice of the Peace

True Bill

G E Ephmore J.P.

Warrant 50 Order to Bring Defts C 30 Sub Plff 50
Exhibits & No 30 Complaint 40 2 Affs of Pub 20
2 Affs of Attys 20 & Witness sworn 40 3 Orders Com 150
Finding 10 2 Orders Cont. 70 3 Other Orders 150
Judgement 50 Transmitting Papers 25 Entering Trans 12
Trial 50

Total $9.70

T. H. Callahan Sheriff

Warrant 75 3 Orders Com 150 1 Ord to Bring Pris into C 50
1 subpoena Plff 815 Total $12.15

Witnesses

T. H. Ayres 1 day & 40 mi $4.50
J. H. Brooks " " " " 4.50
Jno McCoy " " " " 4.50
Kirby Lodge " " " " 4.50
Chas L Bay " " " " 4.50

44.35