

C. Earl Hulburd – Legal Problem
From Court and Penitentiary Documents
(Summarized by Ted Hine – March, 2003)

Presented here is a summary of the court and penitentiary records followed by scans of the records summarized.

Court Records Indicate:

(Obtained in February, 2003 from the Records Manager, Circuit Clerk's Office, Civil Courts Building, 10 North Tucker, St. Louis, MO 63101)

On December 27, 1938 three counts of "Embezzlement by Agent" were filed against C. Earl Hulburd in the St. Louis (City) Court of Criminal Correction. In all 3 cases the crime was allegedly committed against "George C. Hitchcock, Trustee of Mary C. Hitchcock Estate, a trust".

(Each count was apparently identified by two different case numbers depending on the specific document. Exactly why is not known but perhaps one is for the year 1938 and the other for 1939.)

Case #411 and #155:

Date of Alleged Crime: Dec. 31, 1936

Amount Alleged Embezzled: \$31,500

Case #412 and #156

Date of Alleged Crime: Dec. 31, 1937

Amount Alleged Embezzled: \$21,374

Case #413 and #157

Date of Alleged Crime: Nov. 1, 1938

Amount Alleged Embezzled: \$23,351

An arrest warrant was also issued on December 27, 1938.

He was arraigned on December 28, 1938 at which time he plead not guilty. The next court date was set for January 11, 1939. A court order confining him to jail was also issued on December 28, 1938 and there is no record that bail was set or posted at this time so it is assumed that he remained in jail until the next court date.

On January 11, 1939 formal charges were evidently filed and bail was set at \$10,000. The boiler plate (fill in the blanks) court document setting bail reads "having failed to give the required bond it is further ordered by the Court that he be committed to jail to await the action of the said Circuit Court, City of St. Louis". The next court date was set for "the first Monday in February next". However, bail and the next court date must have been purely procedural because.....

Also on January 11, 1939 C. Earl Hulburd plead guilty as charged on the first two counts and was sentenced to 5 years imprisonment on each for a total of 10 years. On the next day (January 12, 1939) the records show he plead guilty to the third count and was sentenced to another 5 years which were to run concurrently with the second count sentence thus having the effect of not adding to his previous 10 years sentence. It is not known why all 3 counts were not disposed of on the same day but it is suspected that there may have been a technical glitch or perhaps the judge wanted to check on sentencing options.

Three “witnesses” were mentioned on the charges, George C. Hitchcock, Capt. Leonard Murphy (“Sec. Ser. Bur.”) and Selwyn Pepper (c/o St. Louis Post-Dispatch). Subpoenas were issued for them to attend the January 11th court date but there is no record of what they might have said. Since C. Earl Hulburd pleaded guilty there was no trial and thus no trial transcripts to provide information as to the details of the charges.

There is no mention in the court documents as to whether or not C. Earl Hulburd was represented by an attorney. Newspaper articles in the St. Louis Post Dispatch suggest that he was not.

There was nothing found in the court documents which required C. Earl Hulburd to provide restitution or to repay the amounts embezzled. However, St. Louis Post Dispatch articles suggest that he had already made some minor reparations in the form of life insurance policies and a few stocks to the Collier Estate prior to his arrest and letters written from the penitentiary suggest that he continued to transfer title to oil well interests to Judge Hitchcock after his incarceration. I note that court accounting records summarizing the costs of the 3 cases (\$28.90, \$16.90, and \$17.40 respectively) indicate in the boiler plate pre-printed small type at the bottom that “We further certify, that the defendant is insolvent.....” implying that the defendant would not be able to pay these costs.

Penitentiary Records and the Conditional Commutation Indicate:

(Obtained in February, 2003 from the Reference Staff, Missouri State Archives, P.O. Box 1747, 600 W. Main, Jefferson City, MO 65102.)

C. Earl Hulburd (inmate #51864) was received at the Missouri State Penitentiary in Jefferson City, MO on January 13, 1939 and was to serve 10 years from January 11, 1939 (“5, plus 5&5 conc”). He was discharged on December 15, 1943 after serving about 4 years and 11 months. No record is available regarding his conduct while in prison.

Also received as part of his penitentiary records was a copy of his “Conditional Commutation” (also referred to as a “Conditional Pardon”) signed by the Governor of Missouri, Forrest C. Donnell, on December 14th, 1943. The “condition” was basically that he stay out of trouble and be a good citizen. There is no indication as to specifically why he deserved a Commutation (Pardon) as opposed to just perhaps an early parole.

According to the commutation documents the “three-fourth law” would have released him July 10, 1946 (there is no indication as to who qualifies for this). He was credited with 410 days “merit time” which was subtracted from a “7/12 release date of Nov. 10, 1944” (again with no indication as to who normally qualifies for this). Why he was granted a conditional Commutation (Pardon) with less than half his sentence served is not specified.

The following 28 pages of Court and other record scans (generally in date order) are for case #411 / #155 only. The court records are identical for the other two counts (except for the date of the embezzlement, the embezzled amount, the court costs, and the specifics of the sentence) so they have not been included.

Pages 3 to 23 contain court record scans.

Pages 24 to 30 contain penitentiary record scans including the conditional commutation.

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } ss.

IN THE ST. LOUIS COURT OF CRIMINAL CORRECTION.

St. Louis, December 27, 19 38.

STATE OF MISSOURI,
PLAINTIFF,
vs.

C. EARL HULBURD Defendant.

CHARGED WITH
EMBEZZLEMENT
BY AGENT.

James E. McLaughlin, Assistant Circuit Attorney, in and for the City of St. Louis aforesaid, within and for the body of the City of St. Louis, on behalf of the State of Missouri, upon his official oath, information makes as follows:

That C. EARL HULBURD,

on the 31st day of December, in the year of our Lord one thousand nine hundred and thirty-six at the City of St. Louis aforesaid, being then and there the agent, clerk, collector and servant of the GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust,

the said C. EARL HULBURD (not being then and there a person under the age of sixteen years), then and there by virtue of such employment and office of agent, clerk, collector and servant, as aforesaid, did have, receive and take into his possession and under his care and control certain money, to the amount and value of thirty-one thousand, five hundred dollars, lawful money of the United States,

the money and personal property of the said GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust,

as aforesaid, the employer of him the said C. EARL HULBURD

and that the said C. EARL HULBURD the said money then and there unlawfully, feloniously, fraudulently and intentionally did embezzle and convert to his own use without the assent of the said GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust, as aforesaid, the owner of said money, and with the unlawful, felonious and fraudulent intent then and there to permanently deprive the owner, the said GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust, as aforesaid, of the use thereof; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State.

STATE OF MISSOURI, }
CITY OF ST. LOUIS } ss.

James E. McLaughlin, Assistant Circuit Attorney, being duly sworn, upon his oath, says that the facts stated in the above information are true, according to his best information and belief.

Sworn to and subscribed before me, this 27 day of December 19 38.

James E. McLaughlin

Assistant Circuit Attorney.

John J. Connolly

Clerk of the St. Louis Court of Criminal Correction.

By John [Signature] Deputy Clerk.



INFORMATION
IN THE
ST. LOUIS
COURT OF CRIMINAL CORRECTION

IN THE CASE OF THE

STATE OF MISSOURI

PLAINTIFF

VS.

C. EARL HULBURD Def't.

CHARGED WITH

EMBEZZLEMENT

BY AGENT

WITNESSES:

George C. Hitchcock, 5363 Water
Main Avenue, St. Louis, Mo., 208 N. - Bdway.
Capt. Leonard Murphy,
Sec. Ser. Bur.

Selwyn Peene, St. Louis
Post-Dispatch, 15th &
Olive. DEC 27 1938

Filed *John J. Conolly* 19
CLERK
Clerk.

In the St. Louis Court of Criminal Correction.

Division No. 2

CITY OF ST. LOUIS, ss.

The State of Missouri,

To the Sheriff of the City of St. Louis, GREETING:

WE COMMAND YOU to take C. Earl Hulburd

if he be found in your bailiwick, and..... him..... safely keep, so that you have

..... his body before the St. Louis Court of Criminal Correction, Division No. 2. forthwith, then

and there to answer a complaint made against him.....

EMBEZZLEMENT BY AGENT

for.....

..... which more fully appears by the foregoing

affidavit, contrary to the form of the Statute in such cases made and provided, and against

the peace and dignity of the State; and have you then and there this writ, with your return

thereon how you execute the same.

Witness, JOHN J. CONNOLLY, Clerk of the said Court

with the seal hereto affixed, at office, in the City

of St. Louis, this..... 27th day of

..... Dec. in the year of our Lord

nineteen hundred and 38

John J. Connolly
Clerk

① ✓ ③
No. **411** DECEMBER 19 **38**

St. Louis Court of Criminal Correction
Division No. 2

THE STATE OF MISSOURI,

VS. } WARRANT.
G. EARL HULBURD

Charge **EMBEZZLEMENT BY AGENT**

Witness **Geo. C. Hitchcock, 5363 Water**
" **or 208 N. Bdway.**
" **Capt. Murphy, SSB**
" **Salwyn Pepper, 3 St. Louis**
" **Post Dispatch, 12th & Olive**
"
"
"

RETURNABLE FORTHWITH.

Trial set for 19.....
Spa. issued for

DEC 28 1938 The defendant is duly arraigned, pleads not guilty. Cause set for *Jan 11-39*

JAN 11 1939 I hereby waive all my rights to a preliminary exam-
ination in the above herein *X* *G. Earl Hulburd*

JAN 11 1939 *Charge of Embezzlement by agent*
Board fixed at \$10000.00

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 11-14-83 BY SP-5 BTJ/STP

CITY OF ST. LOUIS, ss.

The State of Missouri,

To the Jailor of the City of St. Louis, GREETING:

WHEREAS, *C. Earl Hulburt*.....

has this day been brought before our **St. Louis Court of Criminal Correction**, charged with
EMBEZZLEMENT BY AGENT.....and whereas

the Court has set said cause for *Trial*.....on the

11 day of *Jan* 193*9*

These are, therefore to command you, the said Jailor, to receive the said defendant, and
him safely keep in your custody in said jail to answer the charge aforesaid, or until he
shall be discharged by due process of law.

Witness, JOHN J. CONNOLLY, Clerk of the said
Court, with the seal hereto affixed, at office, in the
City of St. Louis, this *28* day
of *Dec* in the year of our Lord
nineteen hundred and *thirty eight*

John J. Connolly
Clerk.

No. 411 Dec 1938

**ST. LOUIS COURT OF CRIMINAL
CORRECTION**

#2

THE STATE OF MISSOURI

vs. }

Commitment to Jail.

C. Earl Hubbard

Cont. to Jan 11 1939

2

In the St. Louis Court of Criminal Correction

Div. No. 2

Before *Hon. Joseph L. Simpson* Judge

State of Missouri

CHARGED WITH

vs. Carl Hulburd

EMBEZZLEMENT BY AGENT

Jan 11 19 *39*

NOW, on this day, comes the defendant *Carl Hulburd*

in *his* own proper person, and the court, after a full examination

in the premises, doth order that the said defendant *Carl Hulburd*

enter into a bond in the sum of

Ten Thousand

Dollars, for *his* appearance before the Circuit

Court, City of St. Louis, at the next term thereof, to answer the charge of **EMBEZZLEMENT BY AGENT**

Said defendant *Carl Hulburd*

having failed to give the required bond, it is further ordered by the Court, that *he*

be committed to jail, await the action of the said Circuit Court, City of St. Louis.

CLERK:

To issuing capias / - - - - -	\$1.00	<i>1 00</i>
" recognizance - - - - - each	.50	
" issuing subpoena for State / - - - - -	.25	<i>25</i>
"continuances for State - - - - -	.25	
" issuingsubpoenas for defendant - - - - -	.25	
"continuances for defendant - - - - -	.15	
" <i>2</i> orders - - - - -	1.50	<i>30</i>
" issuing commitment / - - - - -	1.00	<i>1 00</i>
" certificate to affidavit / - - - - -	.15	<i>15</i>
" filing <i>4</i> papers - - - - - each	.05	<i>20</i>
" copy of record with certificate and seal / - - - - -	.50	<i>50</i>
Total		<i>3 40</i>

SHERIFF:

To capias / - - - - -	\$1.00	<i>1 00</i>
" servingwitnesses for State - - - - - each	.50	
" callingwitnesses for State - - - - -	.05	
" servingwitnesses for defendant - - - - -	.50	
" callingwitnesses for defendant - - - - -	.05	
" commitment / - - - - -	1.00	<i>1 00</i>
"days' custody undergoing prelim. exam. prepare to commitment - - - - -		
Witnesses for State:		<i>2 00</i>
.....		
.....		
Witnesses for Defendant:		
.....		
.....		
Total		<i>5 40</i>

State of Missouri } S.S.
City of St. Louis

I, JOHN J. CONNOLLY, Clerk of the St. Louis Court of Criminal Correction, do hereby certify that the foregoing is a true transcript from the Records of said Court, of the proceedings had in the case of the State of Missouri vs. *Carl Hulburd* that the papers thereto attached are all the original papers filed and issued in said cause, and that the costs accrued are correctly taxed therein.

Witness my hand, with the seal of said Court hereto affixed, at office in the City of St. Louis, this *11* day of *January* in the year of our Lord, Nineteen Hundred and *Thirty Nine*
John J. Connolly
Clerk.

No. 411

December 1938

IN THE
St. Louis Court of Criminal Correction
Div. No. 2

THE STATE OF MISSOURI

vs. } TRANSCRIPT.

Le. Carl Hulburd

CHARGED WITH
EMBEZZLEMENT BY AGENT

Bail, \$ 10000.⁰⁰

STATE OF MISSOURI, } ss.
CITY OF ST. LOUIS.

Circuit Court, City of St. Louis DECEMBER Term, 191x 1938.

Frank P. Motherway Assistant Circuit Attorney, in and for the City of St. Louis afore-
said, within and for the body of the City of St. Louis, on behalf of the State of Missouri, upon his official oath,
information makes as follows:

That C. EARL HULBURD,

on the 1st day of November one thousand nine hundred
and thirty-eight, at the City of St. Louis aforesaid, being then and there the agent, clerk, collector and servant
of GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust,
a corporation, duly organized and existing under the laws of the State of
the said C. EARL HULBURD (not being then and there a person under
the age of sixteen years), then and there by virtue of such employment and office of agent, clerk, collector and
servant, as aforesaid, did have, receive and take into his possession and under his care and control certain money,
to the amount and value of twenty-three thousand, three hundred and fifty-one
dollars, the same being then and there lawful money of the United States of the
value of twenty-three thousand, three hundred and fifty-one

dollars, the money and personal property of the said GEORGE C. HITCHCOCK,
Trustee of MARY C. HITCHCOCK ESTATE, a trust,
as aforesaid, the employer of him
the said C. EARL HULBURD

and that the said C. EARL HULBURD the said money then and there
unlawfully, feloniously, fraudulently and intentionally did embezzle and convert to his own use without the assent
of the said GEORGE C. HITCHCOCK, Trustee of MARY C. HITCHCOCK ESTATE, a trust
a corporation as aforesaid, the owner of said money, and with the unlawful, felonious and fraudulent intent then
and there to permanently deprive the owner, the said GEORGE C. HITCHCOCK, Trustee of MARY C.
HITCHCOCK ESTATE, a trust,
a corporation, as aforesaid, of the use thereof; contrary to the form of the statute in such case made
and provided, and against the peace and dignity of the State.

Frank P. Motherway
Assistant Circuit Attorney.

STATE OF MISSOURI, } ss.
CITY OF ST. LOUIS.

Frank P. Motherway, Assistant Circuit Attorney, being duly sworn upon his oath,
says that the statements made in the foregoing information are true, according to his best information and belief.

Subscribed and sworn to before me this 11th day of January, 1939. 19xx

Frank P. Motherway
L. J. Kichham
Clerk of the Circuit Court, City of St. Louis (for Criminal Causes).

Per J. C. Meseraman
Deputy.

10

No. 155

CIRCUIT COURT, CITY OF ST. LOUIS.

1938.

DECEMBER Term, 1938

THE STATE OF MISSOURI

vs.

G. EARL HULBURD

CHARGE:

EMBEZZLEMENT
BY AGENT _____

WITNESSES:

George C. Hitchcock, 5363 Water-
man Ave., or 208 N. Broadway,

Capt: Leonard Murphy, Sec.Ser.
Bur.

Selwyn Pepper, % St. Louis
Post-Dispatch, 12th & Olive Sts.

Information No. _____

Filed January 11th 1939

L. J. Kirkham
Clerk of the Circuit Court, City of St. Louis
(for Criminal Causes).

CITY OF ST. LOUIS--ss.

The State of Missouri,

To the Jailor of the City of St. Louis, GREETING:

WHEREAS, W. Carl Hulbert

has this day been brought before our St. Louis Court of Criminal Correction, charged with _____

EMBEZZLEMENT BY AGENT

and whereas

after an examination had in the premises, the said defendant has been required to give bail in the sum

of Ten Thousand Dollars

for his appearance before the Circuit Court, City of St. Louis, at the next term thereof, to be held in

the City of St. Louis, on the first Monday in February next:

and whereas, said defendant has failed to give said required bail.

These are, therefore to command you, the said Jailor, to receive the said defendant, and him safely keep in your custody in said jail to answer the charge aforesaid, or until he shall be discharged by due process of law.

Witness, JOHN J. CONNOLLY, Clerk of the said Court, with the seal hereto affixed, at office, in the City of St. Louis, this 11th day of

January in the year of our Lord nineteen hundred and thirty nine

John J. Connolly
Clerk

No 411 Du 1938

ST. LOUIS COURT of CRIMINAL CORRECTION

The State of Missouri

vs. } Commitment to Jail.

Carl Hulburt

Bail Required, \$ 10,000.⁰⁰

EXECUTED THIS WRIT IN THE CITY OF ST. LOUIS ON THE 17th DAY
OF Jan 1938 BY DELIVERING THE BODY OF THE WITNIM
NAMED Carl Hulburt TO THE KEEPER OF THE
OF THE CITY OF ST. LOUIS,
JAMES J. FITZGERALD, Sheriff
CHARLES WINTER, Deputy

FEES \$1.00

Chief Deputy Sheriff

DEPUTY.

THE STATE OF MISSOURI

VS.

C. Earl Hulburd

CIRCUIT COURT CITY OF ST. LOUIS, MO.

Div. No. *10*

Case No. *155*

On Charge of *Embodiment by Agent*
Section *10*

BILL OF COSTS chargeable against the State of Missouri in the above entitled cause upon an information preferred against the defendant by the Circuit Attorney of the City of St. Louis at the *December* Term, 193*8*, charging him with the crime of *Embodiment by Agent* And the Defendant at the *December* Term, 193*8*, *found guilty as charged*

Sentence *Five (5) years Penitentiary*
January 11th 1939

FEES OF CIRCUIT CLERK FOR CRIMINAL CAUSES.

To information filed by Circuit Attorney and filing same	\$0.30	30
" indictment returned by Grand Jury	.30	
" issuing and filing writ or capias	each 1.00	
" issue of fact joined	" .25	
" taking and entering recognizance of all witnesses, on all sides	.50	
" taking and entering recognizance of defendant	.50	
" entering order discharging recognizance	.10	
" entering surrender of prisoner by bail	.30	
" continuance by State	.25	
" continuance by defendant	.25	
" issuing subpoena on part of State	each .25	25
" issuing subpoena on part of defendant	" .25	
" orders at	" .15	
" certificate to affidavit	.15	15
" filing papers	each .05	05
" judgment	.50	50
" copy do certificate and seal	1.00	100
" rules to show cause	each .30	
" copy of same, including certificate and seal	" .50	
" commission to take depositions	.50	
" swearing and entering jury and delivering copy to each party	.50	
" swearing and entering jury without such copy	.25	
" verdict of jury	.25	
" venire for jury	.25	
" one bill of costs	.50	50
" copy of bill of costs, including certificate and seal	.25	25
" entering appeal to Supreme Court	.30	
" taking recognizance on appeal	.30	
" transcript to Supreme Court _____ words	per hundred .10	
" certificate and seal to same	.50	
TOTAL		300 300

Jury Board _____
Breakfast _____, Dinner _____, Supper _____

CIRCUIT ATTORNEY

SHERIFF.

To serving capias	\$1.00
" entering return of non est on same	each .50
" serving 3 witnesses for State	.50
" " non est returns for State	.25
" calling witnesses for State	.05
" mileage miles @ 5 cts. per mile	
" summoning jury	1.00
" trial or confession	1.00
" trial in capital case	3.00
" serving rules or notices	each .50
" taking recognizances	.50
" committing persons to jail on commitment	1.00
" executing death warrant, including all necessary expenses in performing the same	125.00

TOTAL,

JAILER.

Defendant committed 12-28-38; Discharged 1-13-39

To Board 16 days at .50

Witnesses for State:

To miles traveled by witnesses

CLERK OF COURT OF CRIMINAL CORRECTION:

To issuing capias	\$1.00
" recognizance	each .50
" issuing subpoena for State	.25
" " for defendant	.25
" continuances for State	.25
" " for defendant	.25
" 2 orders	.15
" issuing commitment	1.00
" certificate to affidavit	.15
" filing 4 papers	each .05
" copy of record with certificate and seal	.50

TOTAL,

10 00 10 00

1 50

1 00

2 50 2 50

8 00 8 00

1 00

2 5

3 0

1 00

1 5

2 0

5 0

34 0 34 0

SHERIFF:		
To capias		\$1.00
" serving	witnesses for State	each .50
" non est do for State		" .25
" calling	witnesses for State	" .05
" mileage	miles @ 5 cts. per mile	
" commitment		1.00
"	days' custody undergoing prelim. exam. prepare to commitment	
TOTAL,		2.00 2.00
Witnesses for State:		
To _____ miles traveled by witness		
TOTAL,		2890 2890

STATE OF MISSOURI, }
 City of St. Louis. } ss. We, the undersigned, Judge of the Circuit Court and the Circuit Attorney of the City of St. Louis, do hereby certify, that we have strictly examined the foregoing fee bill; that the services were rendered for which charges are made; that the fees therein charged are expressly authorized by law, that the fees of no more than three witnesses to prove any one fact are allowed; that the names of all State witnesses in this fee bill were endorsed on indictment or information, or summoned upon the written order of the Prosecuting Attorney or affidavit of the prosecutor, and that the sum of Twenty eight & 90¢ Dollars; is properly taxed against the State of Missouri.

We further certify, that the offense with which the defendant was charged, was Embarrassment by Agents which is a Felony and punishable solely by imprisonment in the penitentiary, and that the case was disposed of as set forth in the abstract of proceedings preceding this fee bill.

We further certify, that the defendant is insolvent, and that no costs charged in this fees for board excepted, were incurred on the part of the defendant.

Grand M. Girdley Judge. Franklin Miller Circuit Attorney.

STATE OF MISSOURI, }
 City of St. Louis. } ss. L. J. KICKHAM
 I, William H. Keene, Circuit Clerk for Criminal Causes, of the City of St. Louis, in and for said City, certify the above to be the Original Fee Bill in the above entitled cause of the State of Missouri, plaintiff, vs. Earl Hulburt defendant, for which the State of Missouri is liable, and the certificate of the Judge and the Circuit Attorney thereto, and that I have at no previous time certified, presented or sent a copy of said Bill of Costs for payment.

WITNESS my hand and seal of said Court hereto affixed, at office, in the City of St. Louis this 14 day of January, 1939.

L. J. Kickham Clerk.

COST BILL No.

STATE OF MISSOURI

vs.

C. Earl Hulburd

No. of Case 155 Dec. 1938

ON CHARGE OF

Embezzlement by agent

Amount Certified, \$.....

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

Division No. 10

December Term, 1938

January 11th, 1939

THE STATE OF MISSOURI,
Plaintiff,

vs.

C. Earl Hulburd
Defendant.

ON INFORMATION FOR

Embezzlement by Agent

This day the defendant being in custody is brought into Court by the Sheriff, and thereupon, on motion of the Circuit Attorney, said defendant is arraigned upon the information against him, and pleads guilty of

Embezzlement by Agent as charged

and said plea being accepted by the Court upon the recommendation of the State, defendant requests sentence in accordance therewith.

It is therefore considered by the Court, that said defendant C. Earl Hulburd

for his offense of Embezzlement by Agent

be imprisoned in the penitentiary of this State for the term of Five (5) years,

that he pay the costs of this prosecution and stand committed until his sentence be complied with.

STATE OF MISSOURI, }
CITY OF ST. LOUIS. } ss.

L.J. KICKHAM

I, ~~HERALD M. BAKER~~, Clerk of the Circuit Court of the City of St. Louis, for Criminal Causes, certify the foregoing to be a full, true and complete copy of the JUDGEMENT rendered in the cause of the State of Missouri, plaintiff, vs. C. Earl Hulburd

defendant, as fully as the same appears of record in my office.

WITNESS my hand and the seal of said Court hereto affixed, at office in

the City of St. Louis, this 11th

day of January A. D. 1939

L.J. Kickham

Clerk Circuit Court of the City of St. Louis, for Criminal Causes.

No. 155

Circuit Court of the
City of St. Louis.

Division No. 10

December Term, 1938

THE STATE OF MISSOURI,

vs.

COPY OF JUDGMENT

C. Earl Hulburd

Embezzlement by Agent

Five (5) years

PENITENTIARY

RECORDED HERE AT THE OFFICE OF THE ST. LOUIS CIRCUIT COURT,
DIVISION NO. 10 OF WHICH THIS IS A TRUE COPY THIS 18
DAY OF DECEMBER 1938 BY THE CLERK OF THE COURT
NAMED *James J. Fitzsimmons, Sheriff* CLERK OF THE COURT
OF THE STATE OF MISSOURI AT THE CITY OF ST. LOUIS.

JAMES J. FITZSIMMONS, Sheriff

CHARLES WINTERER, Deputy

Chief Deputy Sheriff

155

2
Circuit No. 1-12-37

Handed over to the Substantary
James 11, 1939

No. 155

December Term, 1938

CIRCUIT COURT of the CITY OF ST. LOUIS

Division No. 10

THE STATE OF MISSOURI

v.s.

Ed. H. Hulbert

Embezzlement by Agent

CAPIAS

Attorney for Defendant.

62

J. H. D.

The State of Missouri,

ON CHARGE OF

vs. Earl Hubbard Emb by Agent

BILL OF COSTS, Chargeable against the Defendant in the above entitled causes:

Two days custody of prisoner while undergoing examination preparatory to commitment, when number of days shall exceed one, per day

\$1.25 day of

to 27 day of DEC 1938 inclusive

being 2 days at \$1.25. Total \$ 2.50

St. Louis No. DEC 28 1938 19 38 JAMES J. FITZSIMMONS, Sheriff.

By CHARLES WINTERER Chief Deputy Sheriff, Deputy.

THE STATE OF MISSOURI, } ss. CITY OF ST. LOUIS

FORM 387

TO G. C. Hitchcock, etal

GREETING:

You are Hereby Comanded, That setting aside all manner of excuse and delay, you will appear before our ST. LOUIS COURT OF CRIMINAL CORRECTION, DIVISION No. 2, at the City of St. Louis, on the 11 day of Jan A. D. 1939, at ten o'clock a. m. then and there to testify, and the truth to say, in a certain cause pending in said Court, wherein the STATE OF MISSOURI is plaintiff, and G. E. Hibbard State defendant, on the part of the State and herein you are in no wise to fail.

Witness, JOHN J. CONNOLLY, Clerk of said Court, with the seal thereof hereto affixed, at office in the City of St. Louis, this DEC 28 1938 day of DEC 28 1938 in the year of our Lord, Nineteen Hundred and 38

John J. Connolly Clerk.

1-23

No. 413
December, 1938, 19

ST. LOUIS COURT OF
Criminal Correction
DIVISION No. 2

STATE OF MISSOURI
vs.
C. EARL HULBURD

Subpoena For
Geo. C. Hitchcock, 5363 Water
or 208 N. Bdway.
Capt. Murphy, SSB
S. Pepper, % St. Louis Post-

Dispatch
-FILED-

JAN 11 1939
John J. Connolly
CLERK

Returnable
Jan 11 19 *39*

867

I hereby certify that I have served the within Subpoena in the City of St. Louis, State of Missouri, on the 31 day of Dec, 1938, by delivering a true copy thereof to the within named Geo C. Hitchcock
Fees: To _____ service, \$ _____
To _____ non est, \$ _____
To _____ miles, \$ _____
By Mr. Hulburd Deputy
JAMES J. FITZSIMMONS, Sheriff
Total \$ _____

PERSONAL

I hereby certify that I have served the within Subpoena in the City of St. Louis, State of Missouri, on the 31 day of Jan, 1939, by leaving a true copy thereof at the usual place of abode of the within named Pepper with a person of the family over the age of fifteen years.
Fees: To _____ service, \$ _____
To _____ non est, \$ _____
To _____ miles, \$ _____
By Mr. Habel Deputy
JAMES J. FITZSIMMONS, Sheriff
Total \$ _____

COPY













18354

Name C. Earl Hulburd
Alias Clarence Earl Hulburd - RN.

Classification 17-27-W I 22
S-2-R i 23

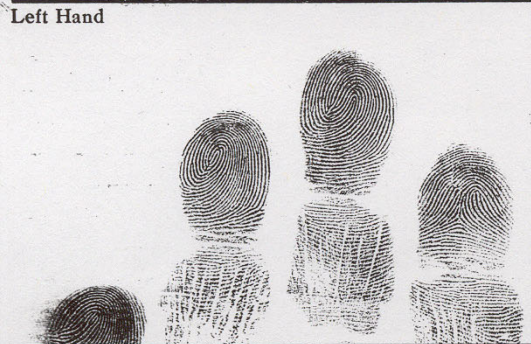
No. 51864 Color White Sex Male



Ref. _____

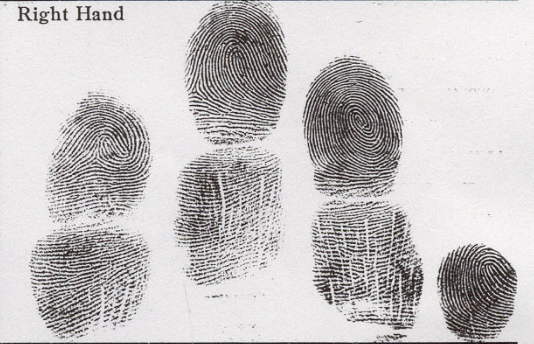
1-Right Thumb 	2-R. Index Finger 	3-R. Middle Finger 	4-R. Ring Finger 	5-R. Little Finger 
6-Left Thumb 	7-L. Index Finger 	8-L. Middle Finger 	9-L. Ring Finger 	10-L. Little Finger 

Four fingers taken simultaneously

Four fingers taken simultaneously



Amputations _____	
Left Thumb 	Right Thumb 



L. G. NEWTON, Superintendent,
Bureau of Identification,
Missouri State Penitentiary.

Prisoner's Signature
C. Earl Hulburd

PLEASE DO NOT FOLD THIS CARD

Bureau of Criminal Identification

MISSOURI STATE PENITENTIARY

JEFFERSON CITY, MISSOURI

Reg. No. 51864

Date January 14, 1939.

Clarence Earl Hulburd-rn.

Name C. Earl Hulburd

Alias

Residence St. Louis, Mo.

Age: 50 When Born: 5-12-1888 Where Born: Moberly, Mo. Weight: 191

Occupation: Clerical Hair: Med. Gr. Brown Complexion: Lt. Florid

Eyes: Grey Hazel Build: Med. Stout Height: 5-5 1/8 10

Marks and Scars

Sm flesh mole left elbow inner. Ears med lge. left brow is grey and right dark. Mole center 40head right. Nose med. short. Slightly bald. Hair high on 4-head. Mole left cheek. Mole right cheek. Sm growth behind left ear.

P
I
3C
M

Emerg. Ad. Wife: Mrs. Hazel C. Hulburd, 78 Vanderventer Place, St. Louis, Mo.

Prison Record

Received Jan. 13, 1939 from St. Louis City County to serve (5, plus 5&5 conc) 10 yrs.

from Jan. 11, 1939. Crime PG: Embezzlement by Agent.

Escaped Returned Discharged Dis. under conditional commutation

No.

DEC 15 1943

Received from County to serve yrs.

from Crime

Escaped Returned Discharged

No.

Received from County to serve yrs.

from Crime

Escaped Returned Discharged

F. P. C. 17- 27 W I 22
S- 2 R I 23

Ref.

F. B. I. No. 1682514

(over)

Recorded by: L. G. NEWTON,
Superintendent, Bureau of
Criminal Identification,
Missouri State Penitentiary.

STATE OF MISSOURI
Department of Penal Institutions

Missouri State Penitentiary

528

JEFFERSON CITY, MISSOURI.

HIS EXCELLENCY,
Hon. Forrest C. Donnell, Governor,

Sir:

In the matter of the commutation of the sentence of
C. Earl Hulburd No. 51864, who was convicted
at the Dec. 1938 Term of the St. Louis City ~~County~~
Circuit Court of the crime of Embezzlement

and whose punishment was assessed at Ten years in the
penitentiary from Jan. 11, 1939 (Received Jan. 13, 1939)
Elapsed time to date of discharge: 4 yr. 8 mo. 16 da.

FORMER CONVICTIONS (FELONIES):

NONE

Under the three-fourths law the prisoner's term
expires July 10, 1946 Full time expires Jan. 10, 1949

It is hereby recommended by the Commissioners of
the Department of Penal Institutions that said C. Earl
Hulburd No. 51864, be allowed merit time as follows:

15 days jail time alllwd
150 days regular wall time
45 days for 3 blood transfusions.
200 days extra, see letter attached.

7/12 release date Nov. 10, 1944 less 410 days

It is further recommended by said Commissioners of
the Department of Penal Institutions that the sentence of said

C. Earl Hulburd No. 51864 be commuted for a
sentence to a term expiring at the conclusion of Sept. 27,
1943.

Dated this 7th day of Dec. , 1943 .


Director

Commissioner


Commissioner

RECORDED



EXECUTIVE OFFICE
STATE OF MISSOURI
CITY OF JEFFERSON

To the Secretary of State.

Sir:

In the matter of conditional commutation of sentence of
C. Earl Hulburd ----- Reg. No. 51864 -----, who was on
January 11, 1939 ----- in the Circuit Court of St. Louis City -----
convicted of the crime of Embezzlement by Agent -----
and whose punishment was assessed at Ten (10) years in the State Penitentiary.

Now, therefore I, Forrest C. Donell, Governor of the
State of Missouri, by virtue of authority in me vested and for good and suffi-
cient reasons appearing, do hereby conditionally commute the sentence of the
above mentioned recipient hereof, to a term ending ~~September 27~~ December 15, 1943 -----
without the benefit of the three-fourths law, and do hereby entitle him to
all the rights, privileges and immunities which result by operation of these
premises, upon the following conditions:

That the above mentioned recipient hereof shall not
violate any law of Missouri, or of the United States, or of any other State,
or of the District of Columbia, or of any territory or possession of the
United States, and further, that he shall be industrious and discreet in his
conduct. He shall not associate with persons of questionable character nor
frequent places of ill repute. He shall not use intoxicating liquors nor
narcotics. Before changing his place of residence, he shall obtain permission
from his supervising Probation and Parole Officer, who shall promptly notify
the office of the Board of Probation and Parole at Jefferson City of such
change. Immediately upon his arrival at St. Louis, Missouri ----- he shall
prepare an arrival report which he shall have countersigned by either his
sponsor or a Police Officer. He shall forward this report and all subsequent
reports to his supervising Probation and Parole Officer. Then upon the first
day of each month thereafter, until July 10, 1946 -----, he shall prepare a
report, which he shall have countersigned by either his Sponsor or by a Police
Officer, stating his whereabouts, by whom he is and has been employed, what
wages he has received, and that he is in every respect complying with the
conditions of this commutation. He shall forthwith depart from Cole County,
Missouri, and continuously remain outside of said County. He shall obtain
proper employment under the supervision and direction of the Board of
Probation and Parole.

That if recipient fails in any respect to comply with
the conditions of commutation, then the commutation shall stand forfeited
and the original sentence shall stand and remain in full force. That if at
any time it is made to appear to the Governor of the State for the time
being, by evidence which he deems satisfactory, that recipient has violated
any condition of this commutation, the Governor may without notice to
recipient and without affording him an opportunity to be heard, declare the
commutation forfeited and direct that recipient be apprehended and returned
to the State Penitentiary.

Issue accordingly.

Respectfully,

G O V E R N O R

This 14th day of December, 1943.

Application for Conditional Commutation from Missouri Penitentiary

To Hon. Forrest C. Donnell,
Governor of Missouri:

The application of C. Earl Hulburd
No. 51864 shows that his true name is C. Earl Hulburd;
his age is 50 years; his birthplace was Missouri;
and his occupation and residence during the five years next before his con-
viction of the offense hereinafter stated was as follows:

That on January 11, 1939, he was con-
victed in the circuit court of St. Louis City of the
crime of Embezzlement by Agent
and was sentenced to imprisonment in the Missouri Penitentiary for a term of
Ten (10) years, and is now imprisoned pursuant to such sentence. Prisoner
was convicted under the name of C. Earl Hulburd.

Your petitioner asks that conditional commutation be
granted to him upon the grounds and for the reasons following:

That the above mentioned recipient hereof shall not
violate any law of Missouri, or of the United States, or of any other State,
or of the District of Columbia, or of any territory or possession of the
United States, and further, that he shall be industrious and discreet in his
conduct. He shall not associate with persons of questionable character nor
frequent places of ill repute. He shall not use intoxicating liquors nor
narcotics. Before changing his place of residence, he shall obtain permission
from his supervising Probation and Parole Officer, who shall promptly notify
the office of the Board of Probation and Parole at Jefferson City of such
change. Immediately upon his arrival at his destination of

St. Louis, Missouri he shall prepare an arrival report
which he shall have countersigned by either his sponsor or by a Police
Officer. He shall forward this report and all subsequent reports to his
supervising Probation and Parole Officer. Then upon the first of each
month thereafter, until July 10, 1946, he shall prepare a
report, which he shall have countersigned by either his Sponsor or by a Police
Officer, stating his whereabouts, by whom he is and has been employed, what
wages he has received, and that he is in every respect complying with the
conditions of this commutation. He shall forthwith depart from Cole County,
Missouri, and continuously remain outside of said County. He shall obtain
proper employment under the supervision and direction of the Board of
Probation and Parole.

That if recipient fails in any respect to comply with
the conditions of commutation, then the commutation shall stand forfeited
and the original sentence shall stand and remain in full force. That if at
any time it is made to appear to the Governor of the State for the time
being, by evidence which he deems satisfactory, that recipient has violated
any condition of this commutation, the Governor may without notice to
recipient and without affording him an opportunity to be heard, declare the
commutation forfeited and direct that recipient be apprehended and returned
to the State Penitentiary.

Respectfully,


Petitioner

Application signed _____ at Jefferson City, Missouri.

DEC 15 1943
CONDITIONAL PARDON

C. Carl Nurbard

51864

FILED

DEC 15 1943

Dwight D. Davis
Secretary of State

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✓

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