

IN THE SUPREME COURT OF MISSOURI

May Term 1939.

State of Missouri, on the information of Roy McKittrick, Attorney General, Relator, vs.

Waller W. Graves, Prosecuting Attorney of Jackson County, Missouri, Respondent,

No. 36717.

ORDER TO SHOW CAUSE.

WHEREAS, Roy McKittrick, Attorney General of the State of Missouri, has filed in the above entitled cause an information in the nature of a quo warranto, a copy of which is hereto attached and made a part hereof; charging among other things, that from January 1, 1935, and continuing daily thereafter up to the present time, that the respondent has willfully, knowingly, continuously and corruptly, neglected and refused to investigate, commence and prosecute persons guilty of violating the laws of this state, in the following particulars: That he has failed personally to devote his time to the performance of the duties of his said office and has willfully, knowingly, continuously, and corruptly failed, neglected and refused to institute and conduct investigations of violations of the criminal laws of the State of Missouri in Jackson County, Missouri, and has willfully, knowingly, continuously and corruptly failed, neglected and refused to commence and prosecute criminal actions against persons guilty of violation of the criminal laws of the State of Missouri in Jackson County, Missouri, and has willfully, knowingly, habitually and corruptly failed, neglected and refused to investigate and prosecute persons guilty of violating provisions of the Liquor Control Act of the State of Missouri in Jackson County, Missouri; that respondent has failed and neglected to devote his time to the office of Prosecuting Attorney, but has continuously and habitually absented himself from the office of Prosecuting Attorney for long periods of time and engaged in the private practice of law; that respondent knew and had personal knowledge that from January 1st 1935, and continuously daily thereafter down to the present time, gambling, book-making, lotteries, bawdy houses, brothels, and houses of assignation were openly and notoriously operated in all parts of Jackson County in open and notorious violation of the law; that although respondent knew of said violations and same were continuously called to his attention, said respondent willfully failed, refused and neglected to investigate or cause to be investigated or to commence and prosecute said widespread violations of the criminal laws of this state; that divers persons throughout Jackson County Missouri, openly and notoriously have set up, kept and operated gambling devices commonly called Faro Bank, E.C., Roulette, Keno, Fortune, Bingo, Tango, Slot Machines, Race Horse Machines, Mutual Machines, Base Ball Machines, Chuck-A-Luck, crap and dice tables, Rummy, Black Jack and 21 Tables, book-making and pool-selling paraphernalia and equipment, and other gambling paraphernalia and machines and gambling devices and tables; that lotteries prohibited by the Constitution and criminal laws of the State have been established, advertised and conducted in said county; that divers persons have openly and notoriously engaged in the business of selling intoxicating liquors in violation of the Liquor Control Act, and selling intoxicating liquors without a license, and have openly and notoriously sold intoxicating liquors between the hours of 1:30 o'clock A.M. and 6:00 o'clock A.M. and on the first day of the week commonly called Sunday; that respondent has failed to prosecute persons guilty of violation of the 1936 August Primary Election laws; that respondent has grossly neglected his official duties in the handling of cases involving felonies by unreasonably delay, by his willfully, knowingly and corruptly

failing to commence and prosecute violators of the criminal laws of the State, and by the dismissing or causing to be dismissed criminal actions. That by reason of said action and conduct respondent has forfeited the office of Prosecuting Attorney of Jackson County, Missouri, as in said information in the nature of a quo warranto more fully and particularly set forth.

NOW, THEREFORE, the said Waller W. Graves, respondent, is hereby COMMANDED to be and appear before the Supreme Court of Missouri, en banc, on the 6th day of July 1939, and then and there show by what authority you claim to have, use, enjoy, exercise and perform the franchises, functions and powers aforesaid, as Prosecuting Attorney of Jackson County, Missouri, and why you should not be adjudged guilty of usurping privileges, franchises, powers, rights and authorities, and not be declared to have forfeited your said office, and why judgment should not be rendered against you as in said information prayed.

Witness my hand as Clerk of the Supreme Court of Missouri, and the seal of said Court hereunto affixed, done at my office in the City of Jefferson this 6th day of June 1939.

E. F. Elliott

Clerk, Supreme Court.

I, Marion Spicer, Marshal of the Supreme Court of the State of Missouri, do hereby certify that I executed the within writ in the State of Missouri, on the 9th day of June, 1939, by delivering a copy of said writ, together with a copy of the information thereto attached, a certified to and furnished by the Clerk of the Supreme Court of the State of Missouri, to the within named respondent, Waller W. Graves, Prosecuting Attorney of Jackson County, Missouri.

Fee: \$16.00 Paid by Atty. Genl.

Marion Spicer

Marshal of the Supreme Court.