

8466

No. \_\_\_\_\_

# Supreme Court of Illinois

Beasley

---

vs.

Heiple

---

71641  7

Jackson Circuit Court December Special Term 1860

At a Special Term of the Jackson County Circuit Court began and held in the Court House in the Town of Murphysboro Jackson County State of Illinois on Monday December 3<sup>rd</sup> AD 1860.

Present the Honorable Alexander W Jenkins, Judge of the Third Judicial Circuit, and presiding Judge of the Jackson County Circuit Court.

Anderson P Corder States Attorney, James P Watson, Clerk  
Abel C Davis Sheriff.

Copy of Precept

State of Illinois ss.  
Jackson County } Of the December Special Term AD  
1860, of the Jackson County Circuit Court  
The Clerk of the Circuit Court will  
please Issue Summons in the above entitled cause  
directed as by law required and have the same  
to the Sheriff of said County  
Nov 14<sup>th</sup> AD 1860. C Thomas & W. J. Allen  
Attys for Plff

This Nov<sup>r</sup>, 14<sup>th</sup> 1860  
James P Watson, Clerk

Copy of Summons

State of Illinois } The People of the State of Illinois  
Jackson County } To the Sheriff of said County Greeting:

We command you that you summon Joseph  
Beasley Jr to be found in your County, to be and  
appear before the Circuit Court of said County, on  
the first day of the Next Special term thereof, to be  
holden at the Court House in the Town of Murphys-  
boro, on the 1<sup>st</sup> Monday in the Month of December  
Next; to Answer Minam Heiple in a plea of  
Trespas, Damages Five thousand dollars (\$5000.00)  
as he says. And hereof make due return to our said  
Court as the Law directs.

E.S. } Witness, James P. Watson, Clerk of our  
said Court, and the Justice Seal thereof  
at Murphysboro, this 14<sup>th</sup> day of  
November A.D. 1860.

James P. Watson, Clerk

Sheriff Return on back of Summons

I Return the Within Served by Reading to Joseph  
Beasley this Nov<sup>th</sup> 1860

A.C. Davis by J.W. Sanders Deputy Shff

Filed Nov<sup>th</sup> 19<sup>th</sup> 1860 }  
James P. Watson. CLK }

And afterwards to Wit on the 23<sup>rd</sup> day of November  
A.D. 1860 Declaration was Filed which is in Words  
and Figures as follows to Wit:

State of Illinois ss.  
Jackson County } Of the December Special Term A.D.  
1860. of the Jackson County Circuit Court

Know All Men by these presents that the Plaintiff in this Suit by Thomas & Allen his Attorneys Complain of Joseph Parley the defendant in this Suit being in Custody & of a plea of Guilty.

For that the said defendant on the 22<sup>nd</sup> day of September A.D. 1858 with force and Arms & Assaulted the said Plaintiff to wit at the County of Jackson and State of Illinois, and then and there with his fist gave and Struck the said Plaintiff a great many violent blows and Strokes on and about divers parts of his body; and also then and there with great force and violence Shook and pulled about the said Plaintiff and threw down the said Plaintiff to and upon the ground, and then and there Scratched, gouged, bruised, punched and Struck the right eye of the said Plaintiff, and also then and there bit the finger of the right hand of the said Plaintiff; and also then and there violently kicked the said Plaintiff and Struck him a great many other blows and Strokes; and also then and there bit other fingers of the said Plaintiff, and then and there Scratched, gouged, bruised, punched and Struck the other eye of the said Plaintiff. By means of which said several premises the said Plaintiff was then and there greatly hurt, bruised and wounded

and became and was by reason of the said several premises, Sick, Sore, lame and disordered, and also became and was blind in the right eye of the said Plaintiff, and so remained and continued for a long space of time to wit for the space of twelve months then next following, during all of which time the said Plaintiff thereby suffered and underwent great pain and was hindered and prevented from performing and transacting his necessary affairs and business, by him during that time to be performed and transacted, and also thereby the said Plaintiff was forced and obliged to and did necessarily pay lay out and expend a large sum of money, to wit the sum of Five Hundred dollars lawful money of the United States in and about endeavoring to be cured of the of the bruises, Wounds, Sickness, Scurvy, Lameness, disorder and blindness of the said Plaintiff aforesaid, occasioned as aforesaid to wit at the County and State aforesaid. And also further that the said defendant on the day and year aforesaid with force and Arms & again assaulted the said Plaintiff, to wit at the County and State aforesaid and then and there bit the finger of the said Plaintiff; and also then and there with great force and violence struck, beat, gorged, punished and scratched the eye of the said Plaintiff. By means of which said several premises the said Plaintiff was then and there greatly hurt, bruised and wounded and became and by reason thereof was sick, sore, lame and disordered and the said eye of the said Plaintiff by

reason of the said several Premises, became and was undew  
blind and useles. And the said Plaintiff so remained  
and Continued Sick, Sore, lame and disorderd and his  
said eye so remained and Continued blind and useles  
for a long space of time to wit, from thence hitherto  
and was during all that time thereby rendered incapable  
of following and transacting his necessary affairs and  
business by him during that time to be done and trans-  
acted and also thereby the said Plaintiff was forced  
and obliged to and did necessarily pay, lay out and  
expens a large Sum of Money to wit the Sum of  
One thousand Dollars lawful Money in and about  
endeavoring to be cured of the biting, bruising, wounds,  
sickness, Sores, lameness, disorder, blindness and  
scratching aforesaid occasioned as aforesaid to wit  
at the County and State aforesaid.

And also for that the said defendant on  
the day and year last aforesaid with force and  
Arms &c again Assaulted the said Plaintiff to  
wit at the County and State aforesaid and then and  
there with great force and violence Struck, beat  
gonged, punched and Scratched the right eye of  
the said Plaintiff. By means of which said  
several premises the said right eye of the said Plaintiff  
was then and there greatly injured and was thereby rendered  
useles and blind and so remained and Continued greatly  
Injured useles and blind for a long space of time  
to wit from thence hitherto to wit at the County and  
State aforesaid. And the said Plaintiff was & has

been during all that time and until the Commence-  
ment of this Suit thereby rendered incapable of follow-  
ing and transacting his necessary affairs and business  
by him during that time to be done and transacted,  
And also thereby the said Plaintiff was forced and  
obliged to and did necessarily pay lay out and ex-  
pend a large Sum of money to wit the Sum of  
One thousand dollars lawful money in and about  
endeavoring to be cured of said Injury, and Blindness  
of his said right eye occasioned as aforesaid to wit  
at the County and State aforesaid.

And other wrongs to the said Plaintiff then and there  
did against the peace and dignity of the People of  
the State of Illinois, and to the damage of the said  
Plaintiff of Five thousand dollars (\$5,000.00) and  
therefore he brings his Suit &c

Allen & Thomas  
Attys for Plff

Filed November 23<sup>rd</sup>  
1860.

James P Watson Clk 3

And whereupon the following Order was made at  
the December Special Term 1860.

Stram Ripple }  
vs }  
Joseph Beasley } Friday December 7<sup>th</sup> 1860.

And now on this day came the parties to this Suit  
the Plaintiff by his Attorney C Thomas and the defend-  
ants by his Attorneys Jenkins & Brooks whereupon  
the Plaintiff filed his Demurrer to the 11<sup>th</sup> Plea  
of the Defendant,

Thursday December 20<sup>th</sup> 1860

And now on this day came again the parties  
to this Suit and the question on Demurrer being  
by the Court taken under advisement, And this  
Cause continued on the Affidavit of Defendant  
until next Term and Judgment Rendered against  
the defendant for Cost for Continuance

Copy of Pleas

Joseph Peasley {  
at { Chesap.  
Hiram Heiple }

1 And the said defendant comes  
and defends the force and Injury whereof And  
says that he is not guilty of the said Supposed  
Chesap above laid to his charge or any or either  
of them or any part thereof in manner and form  
as the said Plaintiff hath above thereof complained  
against him and of this he the said defendant  
puts himself upon the Country &c

Brooks, Haynie & Parrish

And Plff doth the  
Direc C & A.

Atty for Deft



2 And for a further plea in this behalf the said defendant says actio non because he says that the said Plaintiff just before the said time When & in said Declaration mentioned at to Wit the County aforesaid with force and Arms &c made an assault upon the said defendant and would then and there have beat bruise and ill-treated the said defendant if he had not immediately defended himself against the said Plaintiff; Wherefore he the said defendant did then and there defend himself against the said Plaintiff as he lawfully might for the Cause aforesaid and in so doing did necessarily and unavoidably a hite beat bruise wound and ill-treat the said Plaintiff in said Declaration mentioned Which are the said Supposed trespasses in the said Declaration mentioned whereof the said Plaintiff hath above Complain'd against him the said defendant and thus he the said defendant is ready to verify Wherefore he prays Judgment & Chaworce & Issue

E & N.

3 And for a further plea in this behalf the said defendant says actio non because he says that the said Plaintiff just before the said time When & in said Declaration mentioned to Wit on the day & year therein mentioned at to Wit the County aforesaid with force and Arms &c Made an assault upon the said defendant with a Certain Gun which he the said Plaintiff then and there in both his hands had

and held, and with his fist, and would then and  
then have shot, beat bruised wounded and ill treated  
the said defendant if he had not immediately defend-  
ed himself against the said Plaintiff Wherefore  
he the said defendant did then and there defend  
himself against the said Plaintiff as he lawfully  
might in the Cause aforesaid and in so doing  
did commit the said Supposed trespass in the  
said declaration mentioned doing no unnecessary  
damage to sd Plaintiff on the said Occasion whereof  
the said Plaintiff hath Complained against him  
the said Deft and this he the said defendant is  
ready to verify Wherefore he prays Judgment &  
Reversal & Issue

Ed R

H And for a further plea in this behalf the said  
defendant says Actio non because he says that  
he the said defendant was not guilty of the said  
Several Supposed Trespasses in the said declaration  
mentioned or of any or either of them or of any part  
thereof in manner and form as the said Plaintiff  
hath above thereof Complained against him at  
any time within two years next before the Commence-  
ment of this Suit And this he the said defendant  
is ready to verify Wherefore he prays Judgment &

Brooks Haynie & Parson

Atty for Deft

Filed Decr 6th 1860

James P. W. W. etc

5

Joseph Brasly } Newspaps

vs  
Meriam Steele }

And for a further plea in this behalf the said defendant says Actio Non because he says that after the committing of the said several supposed trespasses in the said Declaration mentioned and before the Commencement of this Suit, to wit at the May term AD 1860 of the Jackson County Circuit Court, he the said defendant had brought his action at Law against the said Plaintiff for Slander whereby he claimed damages in the Sum of \$ 5000. <sup>00</sup>/<sub>100</sub> and afterwards to wit on the first day of May AD 1860 to wit at the County aforesaid and while the said defendant's said Action at Law was pending against the said Plaintiff in the Court aforesaid it was agreed between the said Plaintiff and the said defendant that the said defendant should dismiss his said action at Law against the said Plaintiff which said dismissal of said action at Law was to be in full Satisfaction and discharge of the said said supposed trespasses and of all Damages by the said Plaintiff Sustained by reason of the committing thereof And the said defendant further saith in pursuance of such agreement the said defendant did at to wit the May term AD 1860 of the said Jackson Circuit Court dismiss his said action at Law against the said Plaintiff which



a Summons impleading the said Plaintiff in a certain  
plea of trespass on the Case for Slanderous and defam-  
atory Words Spoken of and Concerning the said de-  
fendant, And the said defendant avers that after-  
wards to wit on the day of 18 in Consid-  
eration that the said defendant would forbear to  
Sue out a Writ against the said Plaintiff im-  
pleading him the said Plaintiff as aforesaid in  
a plea of Trespass on the Case for Slander as  
aforesaid, he the said Plaintiff then and there under-  
took and faithfully promised the said defendant  
that he the said Plaintiff would release the said  
Defendant from all Damages occasioned by the Commit-  
ting of the said Supposed trespasses in his said  
Declaration mentioned And the said defendant  
avers that he did forbear to Sue out said Writ  
impleading the said Plaintiff in an action of tres-  
pass on the Case as aforesaid; And this he the  
said defendant is ready to verify Wherefore he  
prays Judgment &c

Traverse & Issue

Proctor Haggin & Parrish

Thomas Logan & Allen

for Plaintiff

Filed Dec 6<sup>th</sup> 1860

James P. Watson. Clerk

Copy of Answer to 4<sup>th</sup> plea

Horam Keple }  
vs }  
Joseph Beasley }

And the said Plaintiff Comes &  
And says that the said plea of the said defend-  
ant by him fourthly above pleaded is not Suf-  
ficient in Law, Wherefore &

Thomas Logan & Allen  
for Plaintiff

Copy of Affidavit

Horam Keple }  
vs }  
Joseph Beasley }

This Affidavit Joseph Beasley deposes  
in the above cause first duly sworn deposes and  
says that he cannot safely proceed to trial at this  
Term on account of the absence of one J. J. Rayburn  
who is a practicing physician and who is a mate-  
rial Witness for him; He expects to be able to  
prove by said Rayburn that if the said Plaintiff's  
eye has been injured that it was from a disease  
of his eye induced by an attack of Pellious Fever  
and not done or caused by this Affidavit, Affidavit  
further States that the above fact will be mate-  
rial on the trial of this Cause; As the principal  
grounds upon which the said Plaintiff claims  
to recover damages against this defendant is  
for an injury to his the said Plaintiff's eye.

Officiant expects to prove by said Raybill that the injury which the said Plaintiff charges this Officiant with having caused, was not induced or caused by Officiant at all, but arose entirely from an attack of billious fever, and that this Officiant is in no wise chargeable with the injury aforesaid. Officiant further states that the said Raybill was pl<sup>ly</sup> attending physician and treated his said eye and will swear to the above facts. That said Raybill is and has been ever since the commencement of this Suit a resident of some County in the Northern part of this State but of what County he does not know although he has made diligent inquiry to ascertain. He further states that he was served with process in this Cause too late to take his depositions for this term if he had known the County of his Raybills residence; and that he could not obtain a Subpoena for him with any hope of service on the said Raybill - In fact Officiant did not want to send a Spee for said Raybill

Officiant expects to obtain testimony of said Raybill by the next term of this Court and that he knows of no Witness by whom he can so fully prove the facts above stated and that this Affidavit is not made for delay but that Justice may be done. And further this Officiant saith not.

Joseph <sup>his</sup> Peasley  
mark





4<sup>th</sup> plea Settlemnt, Demurrer to 4<sup>th</sup> plea of Status  
of Limitation Sustained by the Court.

Thursday May 10<sup>th</sup> 1861.

And now on this day again came the Plaintiff  
by his Attorneys Logan & Allen and C Thomas, and  
the Defendants by his Attorneys Weymie Hammett  
& Wall, Whereupon Issue joined and the Cause  
Submitted to a Jury, Whereupon a Jury of twelve  
good and lawful men were called who were as  
follows. William Carter, James Hooker, James  
Elliott, William Russell, Adam Wilson, William  
Brewer, Ellis Wright, Hugh McMullan, John Broth-  
erhood, Samuel Levan, John H Creekpaum, Ben-  
jamin Still, who after being duly sworn to try  
the Issue joined and a true verdict Render.

The Plaintiff then on motion has leave to withdraw  
unopened Depositions, Defendant before the Case  
was stated to the Jury by Plaintiff abandoned  
and withdrew the plea of General Issue, & the  
Withdrawal of this plea of General Issue by  
the defendant, the Plaintiff objected, The  
Objection overruled by the Court, The Plaintiff  
by his Attorneys then Moved the Court that he  
be permitted to Open and Conclude his case, Motion  
by Plaintiff to Open and Conclude was overruled  
by the Court, and permitted the Defendant to Open  
and Conclude the Case, and after the evidence  
having been heard by the Jury and hearing of argu-  
ments of Counsel, Retired to Consider of their

Verdict, and Returned into Open Court the following Verdict "We the Jury find the defendant Guilty and assess the Plaintiffs Damage at \$200.<sup>00</sup> Whereupon Defendant makes a Motion for a New trial, Motion for a New trial Overruled by the Court. The Defendant then Prays an Appeal to the Supreme Court of the State of Illinois Appeal Granted Defendant required to give Bond in the Sum of Six hundred dollars with Thomas W Logan as Security within Twenty days from this date, Bill of Exceptions to be filed during the Sitting of the Court.

Copy of Motion for a New Trial

Jackson Cir & May term 1861.

Aspley  
vs  
Beasley } Trespas.

And now comes the said Defendant and enters his Motion for a New trial Because  
First the Verdict is against Law  
Second the Verdict is against the Evidence  
Third, the Verdict is contrary to the Instructions given by the Court.

Fourth, the Verdict is against Law & Evidence

Agnes Blanchard & Wife  
for Defendant.

Filed May 17<sup>th</sup> 1861  
James Swain, cler

Copy of Instructions given by the Court on the  
part of the Plaintiff

Meriam Heiple

vs

Thespaq.

Joseph Pearley

1 The Court instructs the jury  
that under the Issues in this Case the burden of  
proof is thrown upon the defendant, Pearley to  
sustain his Pleas, or some One of them, and unless  
you believe from the evidence he has done so,  
the Verdict should be Guilty, and such Damages  
Assessed as in the Opinion of the jury the Evidence  
may warrant.

Given

2 The Court instructs the jury that Words, however  
approbrious, or Slanderous, do not in Law, amount  
to a sufficient provocation, to justify an Assault,

Given

3 The Court instructs the jury that if they find  
the defendant Guilty, then in Assessing the Damages,  
they are not Confined to the actual Damages  
Sustained by Heiple but in Addition to the actual  
Damages they may Assess such exemplary  
Damages as the evidence may warrant,

Given

That if defendant relies upon a Settlement of  
all the matters between him and Plaintiff in -

including the Cause of action for which this Suit  
is instituted, then it devolves upon defendant  
to prove said agreement between him and plaintiff  
Given

If the evidence shows that the parties agreed to  
submit all their matters to Arbitration upon  
Condition that Plaintiff Counsel would agree,  
and that Plaintiff Counsel were never consulted  
by Plaintiff and no submission ever made  
to arbitrators and no award ever made, such  
mere agreement to settle upon said Condition  
without said Condition ever being complied  
with or any settlement of the matters between  
them ever being made is no bar to this action  
Given

Dated May 16<sup>th</sup> 1851.

James P. Watson Clerk

Copy of Instructions given by the Court on the  
part of the Defendant.

The Court instructs the jury in this case for  
the Defendant Brasley

That If they believe from the  
weight of evidence in this case that the Plaintiff  
Herman Heple did commit the first assault  
upon the defendant Brasley either with his fist or  
with a gun then the defendant Brasley had  
the right to defend himself against any threatened

danger from Hiple. And might in his self defence  
if the same was necessary commit an Assault  
and Battery on Hiple - and if the jury find from  
the Evidence such was the Case their Verdict should  
be for the defendant

Given

The Court further instructs the jury for defendant  
that a person when Assaulted or Struck by an Assailant  
May and is justified in using whatever  
force is necessary to protect himself & repel his  
Assailant & in such Case he is not liable either  
Civilly or Criminally.

Given

The Court further instructs the jury for defendant  
that if a man is threatened or assaulted in such a  
way as to induce in the mind of a reasonable man  
a reasonable and well grounded belief that he is in  
actual danger ~~belief that he is in actual~~ of losing  
his life or receiving great bodily harm, under the  
influence of such apprehension he will be justified  
in defending himself even by actual force against  
his assailant

Given

The Court further instructs the jury for the defendant  
that man when threatened with danger must determine  
from appearances and the actual state of things sur-  
rounding them as to the necessity of resorting to self  
defence, and if they act from reasonable and

well grounded Conviction, such as would put a reasonable man in fear they will not be responsible for a mistake in the extent of actual danger, when other judicious men would have acted in like manner.

Given

The Court further instructs the jury for defendant that if they believe from the evidence that the circumstances attending the difficulty between Brasley & Hiple, and the conduct of the plaintiff Hiple with his gun were such as to justify a reasonable conclusion in the mind of a reasonable man of impending danger of serious bodily harm, and that Brasley thereupon took hold of Hiple's gun & of Hiple for the purpose of self preservation and to prevent injury to himself from Hiple, and that when Hiple first struck defendant Brasley - and that therefore Brasley committed the battery complained of in his necessary self defence then Brasley was justified in so doing & in such case your verdict should be for the defendant,

Given

That if the circumstances attending this difficulty were such as to justify a reasonable & well grounded apprehension in the mind of a reasonable man of impending danger of serious bodily harm, and that Brasley did what he has done in his necessary self defence and from his instincts of self preservation then your verdict should be for the defendant

Given

The Court instructs the jury for the defendant that if one man having a Gun in his hand, and being in Shooting distance of another, and raised in a position, as if to discharge it, and pointing it in the direction of the One in Shooting distance. The party at whom the gun is pointed is not bound to wait and enquire whether the gun is loaded or not but he may act on appearances, and exercise his right of self defence at once, and use such force as a reasonable man under the Circumstances might deem necessary under the Circumstances, to preserve his life or his person from bodily harm. And if the jury believe from the Evidence that Peasley acted under such Circumstances, and under such Apprehension of loss of life or great bodily injury as would have put a reasonable man in fear, and what he did was done by him in good faith in necessary self defence, then your Verdict should be not Guilty

Given

Filed May 16<sup>th</sup> 1861. }  
James P. Watson. Clk }

The Court also instructs the jury for Defendant that if they believe from the Weight of Evidence in this Case that the Plaintiff and defendant mutually agreed before the Commencement of this Suit to settle their Suits, and did so settle them then your

Verdict should be for defendant,

Given

The Court further instructs the jury for defendant that if they find from the weight of evidence that Brasley had said Hiple in an action of Slander, and that Hiple agreed with Brasley to abandon & release his right of action if Brasley would dismiss his Suit And they further believe that Brasley did dismiss his Suit & Costs cases now settled thereby - then your verdict should be for the defendant

Given

Given May 16<sup>th</sup> 1861

James P. Watson Clk.

Instruction Refused to be given by the Court

The Court also instructs the jury in this case for defendant that if the parties respectively agreed to settle their difficulties including this Suit by Arbitration, And did agree upon the Terms of the same and chose their arbitrator, And they further believe that one condition on Hiple's part was that the consent of his Counsel should be given, And that it was given then the agreement to Arbitrate the same is binding upon both parties And in such case the Plaintiff has no right to bring his Suit in this Court in violation of said Settlement and the Verdict should be for the defendant

Refused



Copy of Bill of Exceptions

State of Illinois } May term Jackson Circuit  
Jackson County } Court No 1861.  
Hiram Heiple & Susap.

vs  
Joseph Beasley } Be it remembered that upon  
the trial of this Cause in the Circuit Court the de-  
fendant first introduced Alexander Stubblefield  
as a Witness in his behalf who being first duly sworn  
testified as follows to wit.

I am acquainted with Plaintiff & Defendant, The  
difficulty between them occurred near my house  
in the field the field is owned by Beasley but  
I am living on it Mr Heiple had come to see  
me in the field and we were talking there inside  
of the fence when Beasley came riding up

Beasley said Hiram this is what you get for  
talking too much - Heiple said he hadn't  
been talking too much - Beasley said he had and  
that was what he got for lying - Heiple said he  
hadn't and got up and stepped a little back from  
the fence having his gun in his hands as he  
got up it being between his knees while he was  
sitting down - as he got up Beasley got down  
off his horse - Heiple advanced a little from  
the fence and as he turned with the gun in his  
hands I reached out and took hold of the gun

and said Hiram dont shoot.

As I spoke he jerked the gun from me and I stepped back - just then Beasley came up at my left hand took the muzzle of the gun with his right hand and Heiple by the collar with his left - Heiple tried to jerk the gun from Beasley and as Heiple jerked Beasley would jerk Heiple towards him - after struggling several times I cant say how often they both threw the gun down and as they threw it Heiple struck Beasley in the face and Beasley struck at him at nearly the same time - you could not have drawn a breath between the blows - I dont think Beasley hit him but he struck at him - Beasley then fell on his all fours and Heiple jumped on him on his withers like Cant say whether Beasley was knocked down or not.

Beasley turned Heiple and in the scuffle Beasley got the middle finger of Heiples Right hand in his mouth and his thumb (left) in Heiples Right Eye - After they lay there a little Heiple made a little noise I couldnt tell what he said, after a little Heiple made another noise couldnt tell distinctly what he said Beasley said to me "He says take me off" I said Well then get off and he got off him and right there is where they parted.

If Beasley did any thing else to Heiple I didnt see it - As they got up I got the gun

they then spoke some words I told them to stop  
Pearly went off toward the House and after he  
had got a little way he turned around and said  
to Heiple Come now lets talk this matter over  
and I will treat you as I always have treated  
you - The Gun was a Shot gun - think  
It was a double barrel Suppose the Barrel was  
some three feet long - percussion lock I think it  
was a complete gun. Heiple bragged of killing  
Squirrels with it

They were down perhaps one half minute  
more or less have seen men fight longer than they did  
Pearly was the first one I distinctly understood when  
they were fighting - I used no force to part them.

Pearly got up when I spoke I didnt touch  
either of them - The Gun was pointed in the di-  
rection of Pearly pointed about as high as a mans  
breast - Pearly was about 10 or 15 feet from  
Heiple when the gun was raised and pointed one  
outside the other inside of the fence

From the time Heiple first got the Gun in that  
position until Pearly took hold of the gun. You  
could have drawn breath once or twice and may  
be three times but you would have to have been  
in a hurry about it.

When Heiple was setting on the ground the gun  
was between his knees as Heiple got up and turned  
around the Gun was on his hands so (Witness shows

the position in which Heiple had the Gun) with his right thumb on the Cock and had his thumb there when I took hold of the Gun I dont think I saw any lick gap between after the first two blows while they were standing neither of them struggled very much I saw no person right then my wife was standing in the door 35 or 40 steps off.

I was in 3 or 4 feet of them all the while I think Heiple made the first lick mighty nigh the same Bearly struck think Heiple struck a little first that is my best Recollection of the matter Bearly fell first cannot say whether he was knocked down or not Heiple was standing when Bearly fell and jumped on Bearly, Bearly reached around got over by and pulled Heiple under him

This was two years ago August or September coming they have had but one fight to my knowledge they both live in the same neighborhood It might have been two years ago last fall cannot say positively as to that.

About a week after Heiple said if I hadnt caught the Gun Bearly wouldnt have gouged his eye He accused me of taking the Gun away from him I heard and went to see him about it

In Cross Examination by Counsel for the Plaintiff and testifies as follows

I live now  $\frac{3}{4}$  to 1 mile from Heiple - This

was in the afternoon that Heiple came to the field where I was. He had been there about half an hour talking with me when Beasley with me. We were inside of the fence. The road ran along by the fence. We were sitting in the furrow next to the fence with our back to the fence. The fence was about 8 rails high, might have been seven or nine rails high.

Beasley rode up and said good evening - he and I passed a few words. The first word between him & Heiple was now I know you see what you get for talking too much - Heiple said he hadn't. Beasley said he had talked too much and lied. Heiple said he hadn't - they talked about that way till Beasley got down - Heiple got up and advanced a couple of steps from the fence. I was watching the gun expecting to be shot. Beasley was getting down and getting over the fence I grip. I didn't see him get over the next thing he saw he was at my left hand as Beasley was getting over the fence, he said as I recollect Heiple this is what you get for lying too much. Heiple said he hadn't. Beasley said he had and he would show him. Beasley was then getting off his horse.

I didn't see Beasley inside of the fence before I took hold of the gun that I recollect of. He advanced from the fence and turned around and had the gun so (the Witness shows the position

in which he held the Gun) As I took hold of the Gun I said dont Shoot and Heiple jerked the gun from me with both hands, I didnt see Pearsley get over the fence but from the tracks he got over where the Horse was as Heiple jerked it away from me I stepped back and just Pearsley came up at my left hand

The place when Heiple jerked the gun from me might have been 10 feet more or less from Pearsley If Heiple moved at all he moved back a little

I think Heiple got up before Pearsley commenced getting down off his horse

He didnt cock the gun on Pearsley Pearsley took the gun in one hand and Heiple by the Cappel, they both were jerking Heiple struck a little just Pearsley fell Heiple jumped on him Pearsley got his finger in his mouth, I think it bled a little Pearsley got his thumb in Heiples Eye it bled a little Pearsley was willing to be friendly after the fight

Before the fight I dont know that Heiple said any thing to Pearsley I dont recollect of Heiple telling him to Stand back

I took no interest in the fight

Heard Heiple say something couldnt tell what he said He made another noise Pearsley said to me He wants me to get off I said "Get off then" and he got up

The Defendant next introduced June Stubblefield as a witness in his behalf who being first duly sworn testified as follows.

I dont know much about it. Pearly came up to the fence and said this is what you get for talking too much. Heiple said he hadnt. Pearly said he had and commenced getting off his horse. Heiple rose up and presented the gun towards Pearly. Alexander Stubblefield caught the gun. Heiple drew it away from him. Pearly took hold of the gun and they struggled for the gun.

Heiple jerked it away, Heiple struck Pearly in the face, Pearly then fell on his hands and knees, Heiple jumped on him. Pearly was under him and that was all I saw.

As Crop examined by Plaintiffs Counsel and testified as follows. I wont be positive that Heiple & Stubblefield were sitting down when Pearly got off. I didnt hear Pearly say any thing about whipping him.

Pearly & Heiple were only a little piece apart when Stubblefield took hold of the gun. I guess Pearly was walking towards Heiple when Stubblefield took hold of the gun.

Pearly kept on and laid hold of the gun. Both then threw the gun away. I didnt see Pearly take hold of Heiple.

I didnt see Peasley Strike Heiple he might  
have done it - but I didnt see him his back  
was towards me

I didnt see Heiple for a good while  
they were hid but one difficulty as I knew of

The defendants next Introduced James P Watson  
as a Witness in his behalf who being first duly  
sworn testified as follows.

I am Clerk of the Jackson County Cir-  
cuit Court - In the Case of Joseph Peasley  
against Hiram Heiple - The paper on the Case  
was made the following Order at the May term  
1860 Ordered by the Court that this Cause be  
Dismissed and Stricken from the Docket. I  
have never seen any of the papers in the Case  
and have searched for them in the places where  
they ought to be found several times and cannot  
find them - looked for them this morning  
and several times before - If they were ever on  
file they are lost or mislaid so that I cannot  
produce them I dont recollect that I ever  
saw the papers.

The defendants then Introduced Edward H Rice,  
who being first duly sworn testified as follows

I was formerly Clerk of the Circuit Court  
of this County. There was once commenced an  
action of Peasley vs Heiple for Murder -  
dont recollect the Amount sued for in that



action - Messrs Logan & Allen filed the process  
for a writ and in a few days they came to me  
and told me to hold that they thought it would  
be settled - There were two Suits brought  
Beasley & Keple both told me not to Issue any  
papers unless further Ordered, And I withheld  
the papers during the Term - The men them-  
selves told me not to Issue the papers, I never  
talked with them both together - This was before  
the May term 1860. - They said there was a  
probability of its being reconciled  
I never saw the men together.

The defendant then introduced Rev. Babbitt  
as a witness in his behalf who being first duly  
sworn testified as follows

I know the Plaintiff & defen-  
ant and have known them something over a year  
I knew the relation they sustained together and  
tried to reconcile them -

They finally agreed that they would each  
choose six men to arbitrate the matter at  
De Soto, on condition on the part of Keple  
that his lawyers should agree to it.

They were to be addressed and I think were by  
letter on the same day - I think Judge Allen  
was the lawyer to be written to

I had the matter all written down but have  
mislaid the paper somewhere

They mutually agreed on Six Men Each and were to have it arbitrated at De Soto and that they might each have Witnesses and Lawyers should agree to it.

Is crop examined by plaintiffs Counsel

I couldn't give the date about a year ago, either before or after the May Term of Court 1860.

They selected the men - They were not to meet unless with Consent of Peoples Lawyers

I don't know that they ever did meet that was the last I ever knew of it. They both agreed willingly to settle it so if the Attorneys for Heiple were agreed.

Judge Allen was then duly sworn and examined by Counsel for Defendants and testified as follows

I was approached about the matter by Beasley Mr Logan & myself had been employed by Heiple to commence Suit against Beasley. Mr Logan filed the process for a Summons I think - There was no declaration filed and the Case went off Beasley said to me the Case was settled and made up

I have no recollection of Heiple writing to me with reference to stopping the Suit

I should have been perfectly willing to a settlement between them Heiple was dissatisfied with me for stopping the Suit

The Plaintiff then introduced Wolf as a Witness in his behalf who being first

duly sworn testified as follows to wit

I know Plaintiff & Defendant have known them 3 years or more - I lived at De Soto and moved away a day or two before the difficulty between them - I am a practicing Physician have been for 10 or 12 years - I practiced with Hapley Haverly Haverly employed me one year another Hapley employed me one year - I was two or three days after the fight before I saw Hapley this was in September 1859 I think - I was in Haverly's Store at De Soto Hapley asked me to examine his right eye

The eye was blood shot in a bad situation there was an indentation made in the Iris which pierces up the luminous rays of light and constitutes true vision.

The cut was of a Concave Curve form in the shape of a finger nail - Eye was Swollen I did not treat the eye - I saw it again about a month after that - It was in the same condition as before - The Iris is to pierce up the luminous rays of light - There was a Scratch on the Choroid tunic to which is destined the Nutrition of the eye.

The eye is Injured at the present time the Contracting & expanding power of Iris is injured - When the Iris is impaired the Pecten Pigmentum Nigrum does not absorb the

Luminous rays of light except in the evening  
& morning, I saw Heiple at my house the day  
before the fight he came for medicine for himself  
and family. He could hardly get about was  
very feeble from an attack of Cholera Morbus.  
It would have taken him several weeks  
to get able to do manual labor.

Think his right eye is not quite as large as the  
other one. The Cat was in the coloring of the  
eye. The second time I saw the eye it was a-  
bout the same, pus was formed over the sight -  
never examined his eye any more -

A few days before the difficulty some 2 or 3  
weeks. Massey told me no man was too young  
or too old for him to whip, that Heiple had  
been talking about him and he intended to have his  
revenge out of him - Other things were said  
but I don't remember what they were.

As Crap examined and testified as follows  
I moved from De Soto in September a day or two  
before I moved Heiple came to my house for medi-  
cine - Came on horse back, hardly able to  
ride.

Gave him Quinine and some Compound Cathartic  
Pill - I was in De Soto frequently after I  
moved out - don't recollect whether it was  
the first or second time I was there that I saw  
Heiple's eye.

Don't know where the difficulty occurred

don't know how long after it that I saw the eye  
People married Peaslips daughter.  
I don't know whether the Sight of Peoples Eye is  
injured now or not.

Inflammation of the eye is sometimes attendant on  
Fever - The eye is involved when the liver is  
torpid - When the liver is torpid for sometimes  
Cholera Morbus occurs, and the eye is often affected  
by it.

Inflammation frequently sets in on the eye and injures  
the sight without any laceration of the eye.

There were a good many cases of Sore Eyes that I saw.  
There were more cases of inflammatory Sore eyes  
that fall than usual.

The Fortions of the eye that supply nutrition to  
the eye become impaired in these inflammatory  
cases without any laceration and with the best  
treatment. The Scrateto was on the right  
side of the pupil near the surface of the dark  
coloring of the eye - Extended a little into  
the dark coloring of the eye.

I think Inflammation produced the matter. The  
Sore eyes were quite prevalent that fall - When  
one eye is forcibly injured the other may become  
sore from Sympattry.

The Plaintiff then Introduced Noah Warner  
as a witness in his behalf who being first duly  
Sworn testified as follows to wit.

I know Plaintiff & Defendant. I lived in their  
Neighborhood in the fall two years ago this fall  
coming

I didnt see the fight

I saw Heiple going along the big road between  
his house and De Soto, about  $\frac{3}{4}$  mile from his  
house about 1 mile from Stubblefield's house  
Heiple & Stubblefield lived about one mile apart  
I saw him with his eye covered up. I think his  
right eye

Can't say I saw his eye uncovered that day  
met with him to De Soto didnt see it examined  
think I saw Dr Rude examine it on the Road as we  
were coming back.

It seemed to be in a pretty bad fix. It was bruised up  
a good deal on the inside looked swollen and black

think I saw Heiple two or three days before that  
time, his eye was not in that condition when I  
last saw him before that day - think I saw  
him again at his house the next day. He is a  
farmer & has a family - I lived about  $\frac{1}{2}$  mile  
from him. He couldnt do any work at that  
time. He was so for a month or over.

His labor was worth \$1.50 per day. He pointed out  
about his farm. He had hired me to work  
for him and hired some others - From the  
time I first saw his eye until I went to work  
for him was about a week

Dr Rude examined his eye on the Road

Saw Dr Rude going to see him - dont know  
how often dont know what he paid Rude for  
attending on him

His eye was closed up and he kept  
in the house the most of the time while I  
was there.

Dont know when Heiple got able to work  
dont recollect of seeing him work any that fall  
Is Crap examined by Defendants Counsel  
and testified as follows

Was not present when the difficulty occur-  
red; and dont know when it occurred

I went to work there in about a week for  
75 Cents a day - he staid about the house  
I am an Ordinary hand

The time he paid me was the reasonable hire  
of an Ordinary hand

Heiple's daily labor as he was before the fight  
wouldnt have been worth much as he was not  
able to do any thing

The Plaintiff next Introduced as a witness  
in his behalf John Heiple who being first duly  
sworn testified as follows

I know Plaintiff he is my brother I know defend-  
ant.

I heard Peasley speak of the difficulty on the  
day it took place He and I got into a diffi-  
culty about it.

He said he and Plaintiff had a fight that Plaintiff had slandered him and he had whipped him for it - This was in September 1858 - They never had but one fight that I know of, I saw Plaintiff that day - I didnt examine the eye It was Swelled shut and bloody water was running out of it It was the right eye I saw him frequently at his house that fall It pained him greatly His eye was in that Condition about three months and he was not able to do any thing during that time

He is a farmer

A farmers labor in Superintending his farm is worth double that of a hired hand - I had to pay \$1 per day for any hand I hired that fall

The land about 1/2 mile from De Soto Dr Rude lived at De Soto Dont know how much he paid Rude for attending on him

His eye was closed up for more than a month The eye was red and inflamed very much and white spots in it after It ceased to be swollen It continued in that Condition nearly the whole winter

Dont know when it got sound - sometime in the Spring

Beasley said Doubtful was present at the fight - When I last saw him before the fight his eye was not hurt

Is Crop examined by defendants Counsel and



Justified as follows

I am Plaintiff's Brother I had a difficulty with Beasley the fight the same day. He would not fight me

We had some hard feelings about it - My feelings towards him are not very kind I want to see justice

I saw Plaintiff frequently after the fight never saw the Doctor at his house

The hire of a common labour was worth \$1 per day

Keiple's services if he had been able to work would have been worth more

I have not spoken of what Keiple's labor was worth before he was hurt.

Beasley said he had a fight, had whipped Hiram for slandering him Beasley was not on good terms with Keiple

I don't recollect that he said any thing else He did say something about a gun that Hiram had drawn a gun on him and that Stubblefield jerked it out of his hand

I didn't hear him say anything about self defense - He said Keiple had drawn a gun on him

I can't say how much Keiple's services would have been worth.

The Defendant then introduced Eli Adams as a witness in his behalf who being first duly sworn

and testified as follows

I have known the Plaintiff for two years  
I lived  $\frac{3}{4}$  mile from Keipe when the fall occurred - I know his eye was in an injured condition first saw it in September 1859  
It looked red and angry He kept something bound over it - right eye - It was closed pretty much for five or six days I was working there a few days after the injury was received

I lived in the neighborhood during the fall and winter He kept it bound up for 3 or 4 weeks It appeared to be dim after that for 5 or 6 weeks

He didnt work much that fall  
Saw Dr Rude & Dr Raybell there attending him since  
Before the eye was injured he seemed to be in a bad state of health and seemed to be very weak the last time I saw him before the fight He was able to walk about the farm before the eye was hurt - not to work

While his eye was sore he remained about the house keeping door closed to keep out the light

The defendant then introduced as a witness in his behalf Cyrus Keipe who being first duly sworn testified as follows.

I know Plaintiff he is my brother his eye got hurt in September two years ago this fall The eye looked bad when I first saw it Saw doctors there attending on it - dont know how often Drs Rude & Raybell I was living there off

and on for about two weeks. When I left I don't recollect how his eye was - don't think he could be out any, as well as I recollect -

Which was all the Evidence offered by the said Plaintiff on the trial of said Cause

The Defendant then introduced Dr. Elliott as a witness in his behalf who being duly sworn testified as follows.

I know Kuple & Beasley

I have been a practicing Physician for some 20 years - I practiced in Illinois five years I saw Kuple but once when he had a bandage upon his eye -

I examined his eye some time back - there appeared to be a formation of a Cataract on it It is <sup>the</sup> generally conceded opinion that Cataract results from inflammation Inflammation often attends fever - In 1839 affections of some eyes were tolerably prevalent as an Epidemic more so than now the Cataract might have been produced by the fevers of the Country then more prevalent than now

It was examined by Plaintiff's Counsel and testified as follows.

There was a Cataract on the eye when I saw it some time back Inflammation might have caused it Louging might have caused it I know Beasley's circumstances he has a good

deal of Real & Personal Property - don't know  
how much - don't know how much money  
he has loaned out

Which was all the Evidence  
Offered by the Parties Plaintiff & Defendant  
upon the trial of said Cause. —

And the Court upon request of the Counsel for  
the Plaintiff gave the following Instructions  
to the Jury

1 The Court instructs the Jury that under  
the Issues in this Case the Burden of proof is  
thrown upon the defendant Peasley to sustain  
his Pleas. or some one of them. And unless you  
believe from the Evidence he has done so the  
Verdict should be Guilty and such Damages  
assessed as in the Opinion of the Jury the Evidence  
may warrant

2 The Court instructs the Jury that words how-  
ever approbrious or Slandorous do not in Law  
amount to a sufficient Provocation to justify  
an Assault

3 The Court instructs the Jury that if they find  
the defendant Guilty then in Assessing the Dam-  
ages they are not Confined to the Actual Dam-  
ages sustained by the Plaintiff - but in addition  
to the Actual Damages they may Assess such

exemplary damages, & the evidence may warrant

4 That if defendant relies upon a Settlement of all the matters between him and Plaintiff including the Cause of action for which this Suit is instituted then it devolves upon defendant to prove his said agreement between him and Plaintiff

5 If the evidence shows that the parties agreed to submit all their matters to Arbitration upon Condition that Plaintiff's Counsel would agree and that Plaintiff's Counsel were never consulted by Plaintiff, and no Submission ever made to Arbitrators and no award ever made such mere agreement to settle upon said Conditions, without said Condition ever being complied with or any settlement of the matters between them ever being made, is no bar to this action

which were all the instructions asked for and given by the Court on the part of the Plaintiff

To the giving of which Instructions, the defendant by his Counsel then and there objected

And the Court overruled such objection and the defendant by his Counsel then and there Excepted to the Opinion of the Court in giving said Instructions

And the Court upon Motion of Defendants instructed the Jury for the defendant as follows. —

The Court instructs the Jury in this Cause for the defendant Pearsley

1 That if they believe from the weight evidence in this Case that the Plaintiff Hiram Heple did commit the first assault upon the defendant Pearsley either with his fist or with a gun then the defendant Pearsley had the right to defend himself against any threatened danger from Heple and might in self defence if the same was necessary commit an assault and Battery on Heple and if the Jury find from the Evidence such was the Case their Verdict should be for the defendant.

2 The Court further instructs the Jury for Defendant that a Person when assaulted or struck by an Assailant may and is Justified in using whatever force is necessary to protect himself and his Assailant & in such case he is not liable either Civilly or Criminally

3 The Court further instructs the Jury for Defendant that if a man is threatened or assaulted in such a way as to induce in the mind of a man of a reasonable man a reasonable

and well grounded belief that he is, in actual danger of losing his life or receiving great bodily harm under the influence of such apprehensions he will be justified in defending himself even by actual force against his assailant.

A The Court further instructs the jury for the defendant that men when threatened with danger must determine from appearances and the actual state of things surrounding them as to the necessity of resorting to self defence and if they act from reasonable and well grounded convictions such as would put a reasonable man in fear they will not be responsible for a mistake in the extent of actual danger when other judicious men would have acted in the same manner

5 The Court <sup>further</sup> instructs the jury for Defendant that if they believe from the evidence that the circumstances attending the difficulty between Peasley & Hiple and the conduct of the plaintiff Hiple with his gun were such as to justify a reasonable conclusion in the mind of a reasonable man of impending danger of some bodily harm and Peasley thereupon took hold of Hiple's <sup>gun</sup> for the purpose of self defence protection and to prevent injury to himself from Hiple and that that Hiple first struck defendant Peasley - and that thereupon Peasley committed the battery

Complained of in his necessary self defence  
then Pearsley was justified in so doing & in  
such case your Verdict should be for the  
defendant

6 That if the Circumstances attending this difficulty  
were such as to justify a reasonable & wellground-  
ed Apprehension in the mind of a reasonable man  
of impending danger of serious bodily harm  
and that Pearsley did what he has done in his  
necessary self defence and from his instincts of  
self preservation - then your Verdict should  
be for the defendant -

7 The Court instructs the jury for the defendant that  
if they believe from the weight of evidence in this  
Case that the Plaintiff & Defendant mutually  
agreed before the Commencement of this Suit to  
settle their Suits and did so settle then your  
Verdict should be for Defendant

8 The Court further instructs the jury for de-  
fendant that if they find from the weight of  
evidence that Pearsley had sued Hiple in an  
Action of Slander and that Hiple agreed with  
Pearsley to abandon & release his right of action  
if Pearsley would dismiss his Suit and they  
further believe that Pearsley did dismiss his  
Suit & both Cases were settled thereby then



8  
your Verdict should be for defendant,

The Court instructs the jury for the defendant that if one man having a gun in his hand and being in shooting distance of another and raised in a position as if to discharge it and points it in the direction of the one in shooting distance the party at whom the gun is pointed is not bound to wait and enquire whether the gun is loaded or not but he may act on appearances and exercise his right of self defence at once use such force as a reasonable man under the circumstances might deem necessary under the circumstances to preserve his life or his person from bodily harm And if the jury believe from the evidence that Sealey acted under such circumstances and under such apprehension of loss of life or great bodily injury as would have put a reasonable man in fear and what he did was done by him in good faith in necessary self defence then your Verdict should be not Guilty

Which were all the Instructions given by the Court to the jury on the part of the defendant upon the trial of said Cause.

And the said Defendant by his Counsel requested the Court to give the following instructions to the

10. Jury on his behalf to wit.

" The Court also Instructs the Jury in this Case for Defendants that if the parties respectively agreed to settle their Difficulties including this Suit by Arbitration and did agree upon the Terms of the Same and Choose their Arbitrators and they further believe that one Condition on Staples part was that the Consent of his Counsel should be given and that it was given then the agreement to Arbitrate the Same is binding upon both parties - and in such Case the Plaintiff has no right to bring his Suit in this Court in Violation of said Settlement and the Verdict should be for the defendant, but the Court refused to give said Instructions to the Jury, to which refused the defendant by his Counsel then and there excepted and such exception was thereupon noted by the Court -

And the Jury Retired and Returned into Court the following Verdict

" We the Jury find the defendant guilty and Assess the Damage in favor of Plaintiff at Two hundred dollars.

And the defendant by his Counsel thereupon entered his motion for a new trial in said Cause and for said motion assigned the following reasons, Because First the verdict is against Law  
Second - The verdict is against the Evidence

Third The Verdict is Contrary to the Instructions  
given by the Court

Fourth The Verdict is against the Law & Evidence  
wherein said Motion with said Reasons, was returned  
to Writing and Filed

But the Court overruled said Motion for a  
New trial and entered Judgment against the  
defendant in favor of Plaintiff for \$200<sup>00</sup> So  
the overruling of which Motion and the entry  
of such Judgment and the Opinion of the Court  
therein the defendant by his Counsel then & there  
excepted and such Exception was then and there  
Noted by the Court

A. M. Jenkins Judge  
of the 3<sup>d</sup> Judicial Circuit Ills

Filed May 18<sup>th</sup> 1861.  
James P. Walton Secy.

And afterwards to Wit on the 22<sup>nd</sup> day of May  
AD 1861. An Appeal Bond was Filed in the  
above Entitled Cause which is in Words and Fig-  
ures as follows to Wit.

Know all men by these presents that We Joseph  
Bearely and Thomas M. Logan are held and  
firmly bound unto Hiram Keple in the penal  
Sum of Six Hundred Dollars lawful money  
of the United States for the payment of which

well and truly to be made we bind ourselves our  
heirs executors and administrators jointly severally  
and firmly by these presents Witness our hands  
and Seals this 22<sup>nd</sup> day of May AD 1861

The Condition of this Obligation is Such that  
Whereas the said Hiram Heiple did on the 16<sup>th</sup>  
Day of May AD 1861 before the Circuit Court  
in and for the County of Jackson and State of  
Illinois Recover a judgment against the above  
Bondman Joseph Beasley for the Sum of Three  
hundred Dollars and Costs of Suit from  
which judgment the said Joseph Beasley  
has taken an appeal to the Supreme Court  
of the State of Illinois

Now if the said Joseph Beasley shall  
duly prosecute his appeal with effect and shall  
pay the judgment Interest and Cost in Case  
said judgment shall be affirmed then the  
above Obligation shall be void otherwise to  
Remain in full force and Virtue

Witness  
J. H. Blanchard

Joseph <sup>his</sup> Beasley  
<sub>made</sub>  
Thomas M. Logan

Filed May 22<sup>nd</sup> 1861  
James P. Watson. Clk

State of Illinois }  
Jackson County } I James P Watson Clerk  
of the Circuit Court within  
and for the County of Jackson & State of Illinois  
do hereby Certify that the above and foregoing  
is a true and correct copy of all the Original  
papers in the above entitled Cause Together  
with the Orders of Court, Pleas, Demurs,  
Instructions given by the Court to the Jury, Bill  
of Exceptions, Appeal Bond and the Bill  
As appears from the Records in my Office.

In testimony whereof I have hereunto  
set my hand and affixed the Seal  
of my Office at Murphysboro this  
15<sup>th</sup> day of November A.D. 1861  
James P Watson, Clerk



Joseph Pearley vs 1861. *Supper.*  
 Plaintiffs Cost.

Cts Fees	Filing June & Dec 10, Docket Suit 10, Appearance of Attorney 10, Issuing Writ & Filing 40, Iss & filing 3 Subp #1, 20, Filing 3 papers in Suit 15.	20 50 1.55	
	Calling & Swearing Jury 15 Swearing 9 Writs 45 Swearing to 9 Affidavits 90, Receiving & Entry Order of Jury 10, Entry Court 25, Entry Court to take Charge of Jury 5, Iss & Execution Docket & Hds 65 Entry Satisfaction progt. 15, Making Bill of Cost & Copy 50	.60 .90 .35 .70 .15 .50	\$ 5.25
Shff Fees	J. W. Sanders Serving Sum 30 Mileage 45 Per 10 "	1.05	1.05
	Cox " Subpon 9. #2, 25 " #3, 50 " 30 "	6.05	6.05
Witness "	Jonas Vanceil 4 Days #4, Eli Adams 4 Days #4, James Elliott 3 " #3, Evan Holton 4 " #4 "	8.00 7.00	15.00
" "	To be paid by Plaintiff		
	Noah Warner 4 Days #4, J. D. Wolfe 4 Days #4, A. Stubblefield 3 " #3, Nancy Stubblefield 2 " #2, Cyrus Keiple 5 " #5, John Kapa 6 " #6	8.00 5.00 11.00	24.00
Jury Fee		\$ 3.00	3.00
			\$ 54.35

Defendants Cost

Cts. "	Entry App. Atty 10, Iss & Filing 1 Subpon 40 Filing fees for Witness 5, Filing 5 papers 25 Taking & Filing Appeal Bond 50, Filing Bill Exceptions 5 Swearing 4 Witness 20, Swearing to 2 Affidavits 20, Bill of Cost & Copy 50	.50 30 50 25 50	2.05
Shff "	Cox Serving Subpona on D # 50 Mileage 90 Per 10 #	1.50	1.50
Witness "	A Stubblefield 3 Days #3, Nancy Stubblefield 2	5.00	5.00
			\$ 62.90

Copy of Record

14

~~Hiram Triple~~

vs

Joseph Peasley

vs

Hiram Triple

Appeal from Jackson

Filed Jan'y 21. 1862.

W. Johnston Clk

Paid \$5.00

1862

No 14

Brasley  
by  
Hriple

Appl. from Jackson

Dismissed in 1862.

8466

Contbill on Page 526.

Copy of final order sent  
down Dec. 14. 62 -