SHERIFF'S RECOGNIZANCE.—Culver, Page & Hoyne, Stationers, 128 and 130 Lake Street, Chicago.

State of Illinois, } SS.
Randolph (COUNTY.)

This day personally appeared before the undersigned John T. McBride Sheriff in and for said County of Randolph and jointly and severally acknowledged themselves to owe and be indebted unto the People of the State of Illinois, the sum of Five hundred Dollars, to be levied of their goods and chattles, lands and tenements, if default be made in the premises and conditions following, to wit:

WHEREAS, a true bill of indictment was preferred and found against the above bounden James Farmer by the Grand Jury of said County, at the September Term, A. D. 1870, of said Court, and upon hearing the testimony of all the witnesses present (they having been duly sworn), it was adjudged and required by said Court that he give bonds, as required by the statute in such case made and provided, for his appearance to answer to said charge. Now the condition of this recognizance is such that if the above bounden James Farmer shall personally be and appear before the Circuit Court of the said County of Randolph on the first day of the next term thereof, to be holden in the Court House in Chester on the third Monday of March next A. D. 1871, and from day to day thereafter, until discharged by order of said Court, then and there to answer to the said People of the State of Illinois, on the said indictment for an assault with intent to Kill and Murder and then and there to abide the order and judgment of said Court, and not depart the same without leave, then and in that case this recognizance to become void: otherwise to be in full force and virtue.

As witness our hands and seals this 23d day of January A. D. 1871

Taken, entered into and approved, before me, this 23d day of January 1871

James Farmer L. S.

L. S.

L. S.

Sheriff of ..... County.

CIRCUIT COURT SUBPŒNA.—Valley Clarion, Print.

STATE OF ILLINOIS, } SS. THE PEOPLE OF THE STATE OF ILLINOIS:
RANDOLPH COUNTY,

To the Sheriff of Randolph County—Greeting:

We Command You to Summon Wm Archibald Hurd, Wm A Stevenson, Clara Bailey, Mrs Sarah Dailey, A H Bullingame, S W Marshall, Everett Hopkins, A A McAlen to be and appear before the Circuit Court of said County, ~~on the 1st~~ day of the ~~next~~ present term thereof, ~~to be~~ Now holden at the Court House, in the city of Chester, on the ~~Monday in the month of~~ to testify and the truth to speak in a certain matter of controversy pending in said Court, wherein The People are Plaintiffs, and James Furman is Defendant on behalf of Pltff and have you then and there this writ.

Witness, SAVINIEN ST. VRAIN, Clerk of our said Court, and the Judicial Seal thereof, at his office in the city of Chester, this 22d day of March 1871

S St Vrain **Clerk.**

Bond

No. .....

SHERIFF'S RECOGNIZANCE.

The People of the State of Illinois,

vs

James Farnum

Indicted for .....

..... Term, 186

Recognizance, ... $ .....

Cost, ...

Culver, Page & Hoyne, Stationers, Chicago.

No. 11

SUBPOENA.

Randoph County Circuit Court

IN THE MATTER OF

The People

VS.

James Farnum

Subpœna on the part of

Pltff

STATE OF ILLINOIS,
RANDOLPH COUNTY. }

March 24 1871

I have duly served the within by reading the same to the within named .....

Pertus

as I am therein commanded.

John D McBride Sheriff.

By B Nelson

FEES—Service 4 00

Mileage 4 00

Return 1 00

Paid

..... Attorney.

You must instruct the jury that if they believe from the evidence, that Dr. Hanson, crossed the street to where Booth the prosecutor, witness, was standing, that he said, as he was advancing, have you heard the lies, or scandalous stories, that these fellows and Booth have circulated of me, or words to that effect,

that he had no weapon in his hands, that Booth immediately drew a pistol and presented it to Dr. H's breast and snapped it at Dr. H. that Booth seized a hoe handle or rake handle with intent to strike Dr. Hanson in defense; that from the attempts of Booth with pistol & hoe or rake handle, the life, of Dr. H. of defendant was in danger, or his person was in danger of receiving serious bodily harm; and that his conduct at this time was such as a reasonable man would exercise in protection of his life and person, and that Dr. so acted, then they will find him not guilty.

Respectfully

Instructions should instruct testimony

People
vs
Farrar

Assault &c.

Filed March 23d 1891
S. H. Brown
Clk

State of Illinois } In the Circuit Court
Randolph County } ss In the March Term 1[illegible]

The People }
vs }
James Harrison } Assault with intent to [illegible]

[illegible] of said Court will please issue [illegible] for the following witnesses in above entitled cause on part of [illegible] to wit Mrs Jane Patterson, John Fisher, John H Kinney, Everett Kimpton, Henry Eiker, Geo H Chambers, [illegible] Hamilton, Geo H Dayton, [illegible] Shell, Thos F Alexander, [illegible], Joseph Templeton, James Mansfield, John L McDaniston, John Henderson, West Millner, Thomas Nelson

returnable as above and [illegible] Sheriff for service [illegible]

W. C. McDaniel
Atty for Defendant

The People

vs

James Freeman

Assault with intent

&c.

Praecipe for Subpoenas

for Defts witnesses

Filed March 2d 1871

S. S. Vruin Clerk

150

that if the jury have any reasonable doubt whatever of the guilt they should render a verdict of not guilty.

Refused

The jury are instructed that the indictment is no evidence whatever of the guilt of the accused.

Refused

The jury are instructed that the fact that the grand jury found an indictment against the defendant is no evidence whatever against him in this trial

Refused

People
vs
Farman

Assault &c

Filed March 24th 1874
G. G. Evans
Clk

Circuit Court Subpœna.—Valley Clarion, Print, Chester, Ills.

STATE OF ILLINOIS, } ss.
RANDOLPH COUNTY,

THE PEOPLE OF THE STATE OF ILLINOIS:

TO THE SHERIFF OF RANDOLPH COUNTY—GREETING:

We Command You to Summon Henry Fuller Wm Chambers David Hunter, James H Taylor

to be and appear before the Circuit Court of said County, on the First day of the next term thereof, to be holden at the COURT HOUSE, in the CITY OF CHESTER, on the 3d Monday in the month of March next to testify and the truth to speak in a certain matter of controversy pending in said Court, wherein The People are Plaintiff and James Freeman is Defendant on behalf of Deft and have you then and there this writ.

Witness, SAVINIEN ST. VRAIN, Clerk of our said Court, and the Judicial Seal thereof, at his Office, in the CITY OF CHESTER, this 24 day of March 1871

S St Vrain **CLERK.**

Circuit Court Subpœna.—Valley Clarion, Print, Chester, Ills.

STATE OF ILLINOIS, } ss.
RANDOLPH COUNTY,

THE PEOPLE OF THE STATE OF ILLINOIS:

TO THE SHERIFF OF RANDOLPH COUNTY—GREETING:

We Command You to Summon James Mansfield John C McDuffee John Hudson West Millinor B Theodore Nelson

to be and appear before the Circuit Court of said County, on the First day of the next term thereof, to be holden at the COURT HOUSE, in the CITY OF CHESTER, on the 3d Monday in the month of March next to testify and the truth to speak in a certain matter of controversy pending in said Court, wherein The People are Plaintiff and James Freeman is Defendant on behalf of Deft and have you then and there this writ.

Witness, SAVINIEN ST. VRAIN, Clerk of our said Court, and the Judicial Seal thereof, at his Office, in the CITY OF CHESTER, this 24 day of March 1871

S St Vrain **CLERK.**

Crim No 11

SUBPOENA.

RANDOLPH COUNTY CIRCUIT COURT.

In the Matter of

The People

vs.

James Furman

Subpoena on the part of

Deft

STATE OF ILLINOIS, }
RANDOLPH COUNTY. }

March 14 1871

I have duly served the within by reading the same to the within named

Jas H Lauer Sam
Hamilton & Son
Chamber & Henry
Ed Rea Ad Jund

as I am therein commanded.

John T McBride SHERIFF.
By B Wiltshire Dep.

FEES—Service 2 00
Mileage 4 00
Return 10
$6 10

W C McDunston ATTORNEY.

Crim No 11

SUBPOENA.

RANDOLPH COUNTY CIRCUIT COURT.

In the Matter of

The People

vs.

James Furman

Subpoena on the part of

Deft

STATE OF ILLINOIS, }
RANDOLPH COUNTY. }

Mar 16 1871

I have duly served the within by reading the same to the within named

James Mansfeild
John C. McDunston
John Hodson
West Millener (Theodore Nelson not found)

as I am therein commanded.

John T McBride SHERIFF.
B T Wiltshire

FEES—Service 2 00
Mileage 4 00
Return 10
6 10

W C McDunston ATTORNEY.

Circuit Court Subpœna.—Valley Clarion, Print, Chester, Ills.

STATE OF ILLINOIS, } ss. **RANDOLPH COUNTY,** } *THE PEOPLE OF THE STATE OF ILLINOIS:*

TO THE SHERIFF OF RANDOLPH COUNTY—GREETING:

We Command You to Summon Dr Sam'l W Marshall Thos F Alexander Dr D L Burges Joseph Temple

to be and appear before the Circuit Court of said County, on the First day of the next term thereof, to be holden at the COURT HOUSE, in the CITY OF CHESTER, on the 31 Monday in the month of March inst to testify and the truth to speak in a certain matter of controversy pending in said Court, wherein The People are Plaintiff and James Furman is Defendant on behalf of Deft and have you then and there this writ.

Witness, SAVINIEN ST. VRAIN, Clerk of our said Court, and the Judicial Seal thereof, at his Office, in the CITY OF CHESTER, this 21 day of March 1871

S. St Vrain **CLERK.**

Circuit Court Subpœna.—Valley Clarion, Print, Chester, Ills.

STATE OF ILLINOIS, } ss. **RANDOLPH COUNTY,** } *THE PEOPLE OF THE STATE OF ILLINOIS:*

TO THE SHERIFF OF RANDOLPH COUNTY—GREETING:

We Command You to Summon Mrs Jane Pattison, John McAy, John W Menner, Everett Murphy

to be and appear before the Circuit Court of said County, on the First day of the next term thereof, to be holden at the COURT HOUSE, in the CITY OF CHESTER, on the 31 Monday in the month of March inst to testify and the truth to speak in a certain matter of controversy pending in said Court, wherein The People are Plaintiffs and James Furman is Defendant on behalf of Deft and have you then and there this writ.

Witness, SAVINIEN ST. VRAIN, Clerk of our said Court, and the Judicial Seal thereof, at his Office, in the CITY OF CHESTER, this 20 day of March 1871

S. St Vrain **CLERK.**

Crim No 11

SUBPOENA.

RANDOLPH COUNTY CIRCUIT COURT.

In the Matter of

The People

vs.

James Furniss

Subpoena on the part of

Deft

STATE OF ILLINOIS, }
RANDOLPH COUNTY. }

Mar 15 1871

I have duly served the within by reading the same to the within named

Dr. Saml. W. Marshall
Thos F. Alexander
Dr. D. L. Burgess
Joseph Temple

as I am therein commanded.

John McBride SHERIFF.
By Whitshire Dept

FEES—Service 200
Mileage 400
Return 10
6 10

W C McQuiston ATTORNEY.

Crim No 11

SUBPOENA.

RANDOLPH COUNTY CIRCUIT COURT.

In the Matter of

The People

vs.

James Furniss

Subpoena on the part of

Deft

STATE OF ILLINOIS, }
RANDOLPH COUNTY. }

Mar 15 1871

I have duly served the within by reading the same to the within named

Mrs Jane Patterson
John Dickey
John N. Miner
Everett Murphy

as I am therein commanded.

John McBride SHERIFF.
By Whitshire Dept

FEES—Service 200
Mileage 400
Return 10
6 10

W C McQuiston ATTORNEY.

Capias ad respondendum. "Picket Guard" Print, Chester, Illinois.

STATE OF ILLINOIS, RANDOLPH COUNTY.—SS.

THE PEOPLE OF THE STATE OF ILLINOIS, TO THE SHERIFF OF RANDOLPH Co.—GREETING.

We command you that you take James Farman

if he shall be found in your County, and him safely keep, so that you may have him before the Judge of our Circuit Court, within and for the county aforesaid, on the first day of the next Term thereof, to be commenced and holden at the Court House in the city of Chester, in said county, on the 5 Monday of March next, to answer unto the People of the State of Illinois, of and concerning a certain bill of Indictment, for Assault with intent to kill and Murder with which he the said James Farman

stands charged in our Circuit Court, which said bill was preferred against him by the Grand Jury of said county, as in that behalf appears; and have you then and there this writ, and make return thereon as to the manner in which you have executed the same.

Witness Savinien St. Vrain, Clerk of said Court, and the Judicial Seal thereof, this 10th day of January A. D. 1871

S St Vrain Clerk.

I have executed this writ by arresting the within named James Farmer and taken bond for his appearance at the next term of court.

January 23rd 1871

John T. McBride Shff
By - B. Witthoeft Dep.

State of Mo. Co. Court
Recorded from A.D. 1871
Pl. D. Taylor
vs
James Farmer

Amount of writ & fees
& Recognizance
Costs
Officers fees
Taking bond
Serving writ
Mileage
Total

Received payment in full
J. T. McBride

The People
vs
James Farnan

The Court instructs the jury, at the instance of the prosecution as follows

1st While, under the law, a man may take the life of another in self defense, to prevent either the loss of his life, or to save himself from suffering serious bodily harm, yet this is only true when he is honestly endeavoring to avoid an encounter, and to escape a difficulty, and if they believe from the evidence that the defendant sought a difficulty with Booth with the intention of inflicting upon said Booth a serious bodily injury, that he went armed, to where Booth stood quietly, and used such language as was calculated to provoke a broil, the law holds him, the defendant, responsible for the consequences of this act; and if a conflict ensued caused by the use of such language, in which defendant did fire at Booth with a pistol with intent to kill & kill Booth they should find defendant guilty.

Green

The jury are further instructed that a defendant cannot avail himself of necessary self defense, if the necessity of that defense was brought on by the deliberate and lawless acts of the defendant, or an attempt on his part to provoke a fight ~~with intent on the part~~ with another, intending to inflict upon that other a serious bodily harm - and if the jury believe from the evidence that defendant provoked a quarrel, with intent to inflict upon Booth a serious bodily harm, he can not justify his subsequent acts by the plea of necessary self defense.

Given

The jury are further instructed, that while a man may use force, and even take life in defense of his life - or to save himself from serious bodily harm, yet only so much force must be used as is necessary for self protection - and when the danger has ceased, the force employed to avert it must cease - and if you believe from the evidence that Booth assaulted Farman with a pistol, and that he afterwards turned and honestly endeavored to escape, and to avoid further difficulty - and while he was so endeavoring to escape, the defendant followed him up and continued to shoot at

Adams vs the People - 47 Ill. 376

him ~~to kill him~~ with intent to kill
in the manner charged against the defendant
him they should find defendant
guilty.

Given

The jury are further instructed that
if in their judgment the evidence justifies
it they may acquit the defendant of
the charge of an assault with intent
to murder - and find him guilty of
an assault with intent to inflict a
bodily injury

Given

The jury are further instructed. That a reasonable doubt is a doubt founded upon reason. Such a doubt as would influence a business man in the ordinary affairs of life, and unless the jury have such a reasonable doubt of the guilt of the defendant they should find defendant ~~not~~ guilty.

Given

The People
vs } assault to kill & murder
Jas Furman

At the instance of the Prosecution the Court instructs the jury that if they believe from the evidence that the defendant, at the time complained of, crossed the street from one place to that place where Smith was standing, with the intention of creating a disturbance with Smith and that he was at the time armed

In order that Deft. may be convicted of assault with a deadly weapon with intent to inflict upon the person of another a bodily injury. It must ~~[illegible]~~ appear that the patient was ~~[illegible]~~ considerable provocation, or the circumstances that should an abandoned and malignant heart on the part of the defendant.

Gerue

The Court instructs the jury that it is a good defense in justification even of a wounding, to prove that the prosecutor assaulted the defendant first, and that the defendant committed the alleged assault in his necessary self defense.

Given

The Court instructs the jury that to snap a pistol at the breast of another, at a distance which, had it gone off, it would have killed or seriously wounded such person; is in the eyes of the law an assault, when such persons.

Given

The Court instructs the jury that to draw a oak handle or hickory handle, with intent to assault and beat at some time, and then to so strike the other, is in the eyes of the law an assault upon such other person.

Given

The court instructs the jury that they should be slow to conclude of crime such as charged against the accused; that the maxim of the law is that it is better that ninety nine guilty persons should escape than that one innocent man should suffer.

Given

The court instructs the jury that they are the judges of the law as well as the facts in this case.

Refused

The court instructs the jury that every presumption is in favor of innocence of the accused, that every man is presumed to be innocent until he is found guilty. Given

The court further instructs the jury that the guilt of the defendant must be made out beyond a reasonable doubt; — Given

But a mere preponderance of evidence will not do, but the guilt must be proven beyond a reasonable doubt. Given

4

The jury are instructed that if they believe from the evidence that if death had ensued from the shooting charged to have been done by the defendant & that the circumstances connected with it would have made it a case of manslaughter then you can not find him guilty of an assault with intent to murder as charged in the indictment

Grier

That if the jury believe from the evidence all the circumstances connected with the case that the defendant at the time he did the shooting charged, was justified in believing & did believe that his own life was in actual danger or that he was in danger of receiving serious bodily harm, from the hands of David S Booth and that self-defense and the preservation of his own life or person were the moving causes that induced him to do the shooting. then your verdict should be not guilty

Grier

The jury are instructed that when one is threatened & menaced with what would appear to a reasonable man to be imminent danger he is not required to wait & see the extent of the danger but if the danger is such that a reasonable & prudent man would suppose that it was necessary to take the life of his assailant then he is justified in doing so.

Green