

Saferson County Circuit Court
Case File - Criminal
December 1862

Box

14

Folder

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State

vs

Peppers, Jackson
Wilsen, Augustus
Wilsen, Billy
Wilsen, Leonard
et al

Murder

Killed Michael Muir with a
knife; other defendant Aker
Winn; depositions; bill of
exceptions; Supreme Court

State

vs

Polly or Mary Wilson
Jackson Peppers
A. C. Wilson
Abner Winn

} Before J. G. Glaze JP
Complaint for Killing
Michael Hull at Jeff
erson County Mo on 19th
of June 1861

Evidence on Part of the

State

Elizabeth Hull being sworn states that on the 19th day of June 1861. Michael Hull her husband went to work in his field in Jefferson Co Mo near to the thers house heard a gun in the field, the first she said was Mary Wilson, Clara Wilson, Stoker Wilson and Mendon Wilson, & Fanny Williams. Mrs Mary Wilson had a stick in her hand about size of a chair post. She was waving it at Michael Hull and told him if he did not leave there he would be mobbed before sun set.

She said he would not leave because she could not scare him. She then saw Leonard Wilson, Jackson Peppers and Augustus Wilson each one with a gun coming up to Mike Hull & presented them cocked to Truels breast - she was in 4 steps - she was knocked down by Polly Wilson with club - when she came to, she saw Augustus Wilson, Jack Peppers & Abner Winn backing Hull. Leon Wilson was aiming after Hull with a knife that was about 8 inches long with a guard. She tried to knock knife away, Leonard Wilson then stabbed her in left shoulder, the blade of knife about broad as her two fingers. Abner Winn, Jack Peppers & Augustus Wilson let Hull go & he fell. They run off. Leon Wilson said a good damn you, you threatened my life and I took yours. he then left in a hurry - he was hurt while she was down on ground. Augustus Wilson came

to Mull said that he did nothing, Mull told him that he cocked the gun at him, without saying any thing further Augustus left.

She knocked the gun out of Augustus Wilson hands when he had it cocked at Mull.

Mull had no weapons with him at all.

The fus commenced in the field ~~and when~~ as she believed from the place of noise, not then at commencement - It was some time after she heard the fus when she went to them.

Mull was then out side of field in the road towards the house.

When she first went there she begged for peace & for them to go home. It was then that Mrs Wilson said that Mull would be mobbed before sun set.

Mike Mull told her when he felt that he was bound to die - he said that he was coming from field to the house to get some water and he met Mrs Wilson & the children.

Mike Mull after that told her about two hours before his death that Jackson Pepper struck him the first blow with a knife and wounded ^{him}, and that Len Wilson stabbed him neck times. Mull died from the wounds given him in two hours afterwards on the same.

She saw Len Wilson with the knife in his hand, & was bleeding.

+

Cross Examination.

There is timber betwixt the house & field.

Dont know whether the difficulty first commenced with Abner Wilson. he was coming from Maddox's mill directing.

dont know whether Mull had a gun in the field.

Mrs Wilson was at their house a few days before

when she was knocked down by Mrs Wilson & came
to her senses, Mrs Wilson was upon her and
her children were forming witnesses. she states
that Hull did not have a gun in the
field

Elizabeth X. Hull
mark

Subscribed & sworn to before me this 21
day of June 1861. J. B. Slazg J. P.

Josiah Lee being sworn states that saw
Mr Hull soon after he lay down in branch near
his residence, woods of house, his wife was lying
by him, saw two ~~men~~ a man he took to be ang Wilson
and Jackson Peppers about 40 yds going from
Mr & Mrs Hull up creek. Hull showed him
a wound at lower edge of left breast. appeared to be
cut with knife through clothes, saw considerable
blood on him and on ground. The wound was
two inches long perhaps over, his guts were out -
cut to the hollow. saw a wound in left hand. Hull
thought he would die. stated that Jack Peppers
Leonard Wilson, Cap. Winn, & Mrs Wilson and
two girls had assaulted and killed him. That
Hull died in short time afterwards

Cross Examination.

always considered the boys ~~deft~~ peaceful
~~heard Hull say so~~. Jack Peppers told him that
they hollowed to him to cut Hull, he checked
knife out, and thought that ^{Leonard} Wilson took
it away from him. he never saw afterwards
saw ^{any} Wilson walking up road with gun,

saw no gun ^{near} ~~with~~ Mull or Mrs Mull. The field
is 15 or 20 steps from where the difficulty first
occurred - Mull and wife however laying 50 or 60 yds
from the place ~~that other~~ ^{that} battle ground difficulty
occurred
Josiah Lee
mark

Subscribed & sworn to before me this
21 of June 1864. J. L. Glaze J. P.

~~Noah Wise being sworn states that~~
~~he heard o~~

Perry Brittick being sworn says that
on 19 of this month he saw Michael Mull
laying near his house in a brush near a
Sycamore tree, saw two wounds on him. one
was by knife on his left breast at lower edge
about 2 inches long. the calf fat was ~~frayed~~
Mull told him he was going to die. told him that
Jackson Peppers stabbed him in the right side
under the arm first that Leonard Wilson
stabbed him ^{three times} afterwards on left breast and thigh.
Mull said that they (Cap Winu, Polly Wilson, and
Wilson, Jackson Peppers ~~with them~~ in the road near
the field) attacked him that they presented at him
two or three guns at his breast, he caught one gun
it was jerked from him & took his hand.

Mrs Mull was laying beside Mull was hurt.
& bloody. Saw one cut on left arm just below shoulder.
It was two or three inches long. Mull died an
hour or one and half hours after he first saw
Mull. Believes the wounds were the cause of the
death of Mull. after death of Mull he saw on
his body. the fourth ~~wound~~ was down on the leg

X It was some time before I got there - Saw no weapons. It was 15 or 20 steps from where fight took place to field - Mull did not state how the assault was made - did not state how gun was brought about. I asked him one question which was, do you know who killed you. He said yes, He did not tell me that Gen. or Capt had anything to do towards killing him. ^{He never said} Mrs. Wilson ~~had not~~ did not do anything to Michael Mull - I did not ask Mull how it had happened.

~~Mull said he was standing when~~ Stabbed by Peppers -

When I asked him if he knew who killed him, he said he did that it was Jack Peppers who stabbed him first then Sen. Wilson who also stabbed him three times.

Reexamination. Mull said that he was tangled in the vines & he fell when Peppers stabbed him. after wards Sen Wilson stabbed him three times.

Subscribed and sworn to } Perry Bittick
before this 31st day of June 1861
J. H. Glaze, J. P.

Nathan Peppers being sworn states that on 20th of this month he heard Jackson Peppers say that he struck at Michael Mull with a knife. witness asked Jack Peppers if he cut Mull, & he did not replied that he reckoned that he did. Said that Mike Mull had cursed him & his connections. X He was one who helped to arrest

Peppers, Mr. Davis and
helped him to arrest Peppers, they tied him & he
was tied when he told witness about Stalling Bull
Before Peppers told what he did, witness told
Peppers that it would not be any better or worse
for him to tell what part he took in the
stabbing of Bull and the difficulty. Don't
remember that Peppers said that Bull had
a knife, the only knife Peppers mentioned was the
knife he had. Christopher Frost & Mr. Loller were
~~present~~ ^{also asked} when Peppers ^{at another time} was ~~asked~~ ^{to state what he did}, others asked
Peppers about the matter & difficulty. Before they
caught Peppers it was the talk that Peppers would
tell the truth. Don't know which is guilty party
has not pronounced Peppers in his own mind
guilty. Peppers did not tell him that he struck
Bull to save him. Did Peppers state
that Bull had a gun. D. did not hear
Peppers say that Bull had a gun. Jack Peppers
said he heard from Len Wilson that when
he Peppers was at the river fishing and Len
Wilson came down for the gun that Peppers
had, Wilson told him that as he come down
Bull threw rocks & sticks at Wilson. The guns
spoken of by Peppers he understood that they were
Wilson's guns. Michael Bull was a large man & sup-
erior in strength to one of the boys. never saw any
of them fight & cant say whether Mike Bull could
whip all three of the boys at one once. Don't
think that Bull could whip Wilson, the
3 boys & Mrs Wilson at once, if they had weapons
and he had none. Nathan Peppers

Mrs May Wilson Statement

Mr Wilson & Jack Purpus started to the river fishing. Cap. Win had a letter come to plough when we started to with a little boy. The boy came running back & said Mule had killed Win. I said you ought to go see what was the cause of Win. I said he ought to go & look after him & tie him up if he is killed or hurt badly. Mr Wilson went before on horse back. As we went down Mr Mule came running ~~and~~ with two rocks in his hand. When he came up he abused me & called me every thing honest or dishonest & drew his knife. Mr (Mule) said he would cut my throat if I was a man. I told him he had the power. He then called his wife to whip me. & Betty his wife said she did not want to be any fuss & he said damn & whip the damned old bitch. He said strike her & if she dares to strike you I will smash her head with that rock. Then he stepped up & said he could kill me & my other wife. I walked back on ship he would kill me. and he said if I walked the road back he would kill me & I should not go over the road. I at that time I am the boys coming Mrs Wilson Cap Win & Jack P & L W) & I said you better draw knives over you perhaps they have some. By the boys walked up in front Mrs W next & Jack P & L behind

Mr L W asked what the fuss was about
& then he threw the rock down (he proceeded)
& drew his knife & said he would cut
his old roughish heart out. Mrs W
was sitting down on his hands when he
tried to grab L W by the throat. Nell
grabbed at Mrs W's arm & Mrs jerked the
cup off. Mrs Nell struck me over the
head. When she struck me I rushed off
& I pulled up my fall. While we were
down they were down & I am no more.

Our boys had two guns. Then had no com-
bination of the house to kill Nell. I
was sick in the bed when the boys went
fishing. He has said 6 or 7 times that
he would kill us.

Questions by Stok

Mrs Wilson had one gun & I had the
other. I saw Nell have no gun. My husband
has made no threats against Nell that
has said to Nell when you make a pass
I will be with you. I saw no knife except
the one Mrs Nell had. I never heard the boys
say they had knives. The fight took place
on the direct road leading from where
the boys were fishing to this house. They had
been down there the day before fishing.
I did not go in the ground with a stick.
He (Nell) had a pile of rock in the fence
corner. He had a rock in each hand. Do not
know when Nell got rock. then we play clerk

May ^{his} Wilson
mark

Subscribed and sworn to this 22nd of June 1861
J B Glaze J. P.

W R Ranney being sworn states that last winter
he ~~heard~~ Augustus Wilson told witnesses that
he would kill Michael Mull.

X

Augustus Wilson was then at Wm. Wilson's
when he told him that he would kill Mull.
Augustus Wilson was drinking at the time
did not give any reason why he would kill
Mull. witnesses never had a fight with
the Wilsons.

William ^{his} Ranney

Subscribed and sworn to this 22nd ^{month} of June 1861
J B Glaze J. P.

Hetty Wilson states that on the 19th of
June she saw her Mull. there was a cut
on her arm about 2 inches. She saw 6 or 7
or perhaps more bruises on the body of this
Mull. They appeared to be fresh, worned
or bruises. about half an hour before
the death of Mike Mull. he said he
was bound to die. he stated that Len Wilson
this family had murdered him. that Jack Pop
per had stabbed him once & Len 3 times that
Augustus Wilson pointed the gun at his breast.

X

Mull told her that his gun was in the field but
he did not think of it. Saw no gun about the house.
he did not say what become of the gun, nor seen
it since. Mull's oldest child, ^{a girl} is about 12 years old

^{sub}
Ketty Wilson
mark

Subscribed & sworn to before me this 22nd day of
June 1861.

J. L. Glaze J.P.

J. C. Herrington states that he saw
the body of Mull after his death. Stopped him
found a wound about one inch in width ~~under~~
his right arm, run a probe into it about 4 or
5 inches deep into the hollow, saw one wound
on left side at breast bone ribs. It was about 2 1/2
inches long, the fat was sticking out. Saw one wound
on left hip. It went into the bone and passed it a
little, it was about one inch in width about 2 1/2
inches deep. he saw a small wound on the shin
bone of right leg, believes either of the body wounds
were fatal. The hip wound was struck ~~in~~ square
in the side. He

X he has studied medicine, can-
say that he is practicing physician. Read several
works. probed wound with silver probe

John C. Herrington
J. L. Glaze J.P.

By this time Mr. Muel had got up
& ran as far as the branch & fell. He
ran about 50 yards. Then we had
feeling that Muel & Muel
Question by State.

I gave Peppers the Knife at the river. Jack
owned the Knife. I had taken it to the
River to cut a pole to fish with. I saw
blood on Muel when he got up. I did not
see Jack P. Stricko Mr. Muel. The fight
continued a minute or so. Saw no blood
on Jack Peppers. I was just across the
road during the fight. Mr. Muel said Muel
had stepped the woman & he was afraid he would
hurt them. When Gus came up the daughter of
Mrs. Muel said 'why do you not hurry for Muel
will kill mother.' Muel was turning corn when
I came by in the morning. The road was going to
Madon Mill. Mrs. L. was fixing to go to
Jim Leno to get corn to go to mill when I left
home to go to fishing. Mr. Muel ^{owned} no
Knife of any account. He had an old pocket
Knife with the blade broke out.

J. Abner ^{his} Muel
mark

Jack Peppers - says - I & Gus started to
river from Leno's fishing - took guns - I
took Leno's gun & Gus took his own - We
went to river & shot fish - after we had
been an hour Cleo. Min. & said Mrs. Muel

had knocked him down - He had been there
5 minutes & little girl of Sen's came to the
mouth of the creek & commenced hallow-
ing for Gus. to run there - Cop Wm & little
boy & girl - Then Sen came & said run
up there that Mull might hurt the old
Lody or children Sen took gun, shot it off
& loaded it - We all went up to the place.
Mull had his Knife in his right & stone
in left hand - Sen then said Mike what
is this fuss for? Mike then said God
damn your old cheating soul, dont you
say anything or I will cut your liver
out or something to that effect. made
at Sen - Gus said hold on, Mike
& Mike grabbed his gun - Sen also took
hold of the gun - & they all fell - I did not
see any cutting done - Mrs. Mull struck
at Sen at time of their falling. Mrs. M.
then jerked Mrs. M. down - Mrs. Mull struck
Mrs. M. over the head - Sen got the Knife
away from me - I did not stab Mull with
I believed at the time that if something had
not have been done that Mull would
have killed Sen. I saw no gun then
belonging to Mull - Mull owns or did
own guns - Nathan Pepper arrested
me about 12 o'clock at night - He
told me - & said I had to go with him.
He said to me it would the matter no better

for me to tell about it
not any worse - Then we down at the
river Sen said they would go back shore
Mull arrested ~~for~~ striking Cap, after running
him with rocks. The road where the fight
took place is directly on the way from
fishing place to Sen's house.

Crossed - I went up to Wilson's - It was
about five miles - Sen shot gun off &
loaded it again - When we got to Mull
Mrs. W. Clorisa, Miss Williams, Mrs. Crull
Mr. Crull son daughter - Crull was down
before Fanny ^{left} I did not say to Mr. Wilson
that Fanny had left as soon as fight commenced.
I did not stab ^{Mull appeared collect it of} Sen Wilson snatched Knife
from me. I don't know what what Sen
did with Knife - The flint of our gun was
broken our cap on the other, after fight. Gus
said he had snatched the cap off his gun.
Mull had 2 rocks when we first came
but when he made at Sen he had
a rock in left hand & Knife in right
hand.

Jack ^{the} Peppers
mark

The statement of ~~Augustus~~ ^{Augustus} Willson

Jack & myself went fishing in the
morning gone about one hour heard
rolling at the mouth of the branch
Jack Holland for me to come up
I went up & I saw Cap with Peppers
& a little girl. By that time Sen was
come & said why do you not come on

The old man said Mull stoped Cap in the
road & said go on up he might hurt
the old lady & children. An unt on
when we got up to where Mike Knave
Cap down I stoped. When we came up
to where Mull was his lay rows there
Betty Mull was standing with a
stick in her hand. Mike had
a knife in one hand & a rock in the
other. The old man (Lew) said
Mike what is all this fuss about
Mull said dont you say anything
you old thieving son of a bitch
He mad towards Father with
his knife in his hand. Mull said
I will cut your throat or lins cut
I then said Mike stop. I was stooping
down with my gun betw my legs
Mull grabbed at my gun & aimed
to snatch it with of my hand. He
jerked me towards him. I grabbed
him with one hand my gun with
the other. When he jerked me towards
him I pulled the cap off the gun
He threw me on the ground & I kept
hanging to the gun. I held the gun
until the fight was over. He both ran
at once & he let go my gun & started to
run down off towards the house. His
wife was close by. I saw a gun betw
when the fuss took place when fell

I went to Mr. Moll when he was laying
Mr. Moll was standing up. The gun
I saw at the stump was Mr. Moll's
gun.

Questions asked by State

I saw no knife. I jerked the cap off
Jack P. Cap Vin & Len Willson went
with me, when we were down Moll was
on me. It was after the difficulty that
after Moll fell that I went up to him & saw
the gun. Moll remarked I am killed

Augustus ^{his} Willson
mark

Mrs C. Johnston being produced & sworn
States. I was well acquainted with Moll
Mr. Moll was a very passionate man
I heard Moll threatening Mr. L. Willson
I heard Mr. Moll say that he had
very lately killed Mr. L. Willson twice & once
that he took sight on him. I told Mr.
L. Willson about it. Mr. Moll said
if the Willsons do not let my property
alone I can fix poison in their well
& kill every one of them. I told him
that it was horrible to think of. He
then said I am none too good to do it.
This ~~appears~~ appears a large & very strong man.
Moll was a very passionate man.
Crop X I told Mr. Willson of these threats
some time ago, two or three years ago. I also
to others among them my sister John Davis
wife. I am not particularly friendly with Moll
I spoke always with. I forgive him for all

he abused me. I felt sorry for him
but knew I could not get along with
him. I did nothing against Mr. Moll
& abused him for nothing.

I heard these threats about four years
ago. Mr. Moll & Williams spoke together
C. M. Johnston

Sworn to and Subscribed before me this 22nd of June 1861

Miss Fanny Williams being produced
J. B. Glaze, J. P.
Oswego States

The little boy came up & said
~~William~~ Cap. Wain was hurt by Mr. Moll
& that Mr. Moll had killed him. Mr. L.
Williams was fixing his horses in the wagon
to go to Mr. L. to get corn to go to
Mid. Mrs. Williams (L) went first and
when we went down Mr. Moll was not
there. We met Mr. Moll in the road.
Mrs. Moll was not there present. Mr.
Moll had two rock in his hand - he
hollered for Betty his wife to bring
the gun. In a short time Betty
came. Mrs. Moll said she came to
make peace. He told Mrs. Moll
to walk up & strike Mrs. Williams
if any of the others interfere and
he would strike them. He then pulled
his knife & flashed it across Aunt
Betty's throat. Moll told his little boy

to knock the little girl down & if any
one interfered he would strike him.
Mr Willson & the boys came up & I
W said what is all this fuss about
Mike Mee then jumped at Mr L W
as if to cut his throat. Gus said
see here Mike stop. Mrs Mee hit
Aunt Polly (Mrs Willson) with a
stick & I then ran off. Mr Mee had
a pocket knife open in his hand.
Mee then drew both rocks (rocks produ-
ced & identified as the same Mee had)
We went down to see about Cap Win. Did
not know anything of L Willson going to the
river

Cap X Mrs & Mr Willson are my Uncle &
Aunt. Mrs Willson said she did not want
a fuss. When Mr Mee jumped at Mr
Willson with his knife Mr Willson pointed his
gun towards him. I saw a gun afterwards at
the house & I think it was the same one that
Uncle had. I saw Gus W sitting down at the time
of the fuss. I saw Peppers there, had no knife that I
saw. At the time that Mee pulled his knife
out on Mr Willson, they were all standing
on the same side. There are not many stones
where I ~~got~~ picked up the stones. One of the
stones had a small piece knocked off. Let me tell nothing
that I remember.

Samuel^W Williams

Signed to & presented before me this 22nd June 1861

J G Glaze J. P.

W. H. Hutterbrand produced & sworn states
I went to his Mills on day & Mike came
up in the field & cursed Lin Willson
& remarked I am you I will make
peace with you. This was last April
1861. I went away from them for I did
not want to help them. Mill would
weigh from 165 to 170 lbs. I consid-
ered him a very strong man.

Crop 2. This quarrel took place
between the two fences. Mike made all
the fuss. Lin did not say much.
They were quarreling over one half hour.
The only word I remember was the last
~~before~~ ^{I am you I will make peace with you} ~~before~~ ^{Cap Lin. was present}
Mike came to them. They had several
words about rails. They both threatened to
take rails if the line included them. The
fuss was about the land. I do not know
that Mill went to them to forbid them put-
ting up fences. Lin was moving his fence
on his own land. Never heard Willson
threaten Mill.

^{of his} W. H. Hutterbrand
Subscribed & sworn to before me this 22nd Jan 1861

J. B. Glaze J. P.
Richard Royal produced & says
I heard Mill say that he had
his gun cocked several times to kill
Lin Willson but he took pity on his
children. He said he intended to have

Capt Wills Statement

In the morning Gus W & Jack P went fishing. I had a small piece of corn to plough & I was going down to meet the boys to fish. When down the bay myself went on down. Mr Will was in his field working & he came out & drove the horn on me. He asked who pulled down the stake & I said I did & he said I was a God damned liar. I repeated I did & he then punched me in the belly with the horn handle & I dodged & he then knocked me over with his fist. He said the first time I & W came along he would do him the same & Will wants me every thing he could think of. The boy with me ran back. Will said to the little boy he had a great mind to kill him & started after him. At the door the horn & said he had a great notion to kill me if it were not for hanging him. I went on to the River to the boys. I had just got down & I heard the little girl wailing for me. I went up to her & she told me that Will ran willow through the woods with rocks & that Mr Willson wanted Jack P & Gus W to come on up. I then saw Mr Willson come walking. He followed two or three times for the boys & she put his little boy after Gus W & spoke to the Mr Willson started after them.

& met the coming Willson took his
gun & his went up with his. Willson
said nothing of killing still but
said we will go & get the horses & go
to the squires. & have still taken up for
killing you & coming out & throwing
rocks at me. As we went out up the
was in the road. Mr Still with rock
in left hand & knife in right hand
& Mrs wife club in her hand. The
knife was a large pocket knife. As
we when we got there stopped down with
his gun sitting up between his legs.
Mr L W came up & asked what the fuss
was about. Mrs Still said Good damn
you dont you say anything & make
at Mr Willson. As we jumped up &
said. As now with stop. Will just put
the gun & picked ~~up~~ ^{him} against him.
Mr L W aimed to shoot Still with
his gun. Mrs caught Still & held the
gun in one hand. Mr Willson dropped
his gun & they clinched. Mrs Still struck
at Mr Willson then, but say she hit him.
Mrs Willson picked her book & she wheeled
& struck Mrs Willson over the head. Mrs
Willson then Mrs Still & caught her
of the throat. She pulled my ^{was}
Willson let her up. Mrs Still then got
the club & struck Mr L W over the head
I thought Mrs Willson will get out
she she was striking Mrs Willson. I caught
Mrs Willson's gun & held it. Then was no fight
in it

his land run off & it would take
nearly all of Willson's farm & that
he would have a big farm.
I told Mr Geo Willson when I got
home what Mike had told me
about shooting him. This conversation
took place two years since this
Summer.

Cross X Mr Willson said he had
threatened him so much that he was
as to him. Mr Will did not always
mean what he said. Mr Willson knew
Mike Will was in earnest about
what he said. I cannot say why Willson
made use of the language that there was
no use of noticing that. Will said
he had way laid Willson several times
& he cited along the gun & saw how easy it
was to kill him. When Will told me he
had cocked the ^{on Willson's} gun, I believed he had done
it. During two years I do not know
any injury Will has done Willson.
I am not friendly with Geo Willson nor have
I been intimate with the Willson family for six
months. I am related with Willson ~~but I~~
am I am friendly with the family.

Richard F. Royle

Sworn to and subscribed before me this 22 day
of June 1861
J. B. Stacey J. S.

Robert Peppers being produced & sworn
& says. I was at Mrs Willson's last fall
& Mike Mull came then & said he had
lost some geese & that they had stolen
seats then. When Mike went to go any
Mrs Willson said she would make
them prove it. Mike said make up
you damned old bitch. I will watch
you hereafter. This was last fall
crop & I am brother of Jack
Peppers. I ~~was~~ did not tell Mr H
Meadly that I did not know anything
about the case. I do not know anything
about the facts in this case.

Robert P Peppers
Sworn to & subscribed before me this 22nd Jan 1861

J. H. Slagle J.P.
I H. Willson. produced & sworn & says
I know when the fence is in dispute
& I helped to make & put up the rails.
They were made by my father & other
I H. Willson
Sworn to & subscribed before me this 22nd 1861.

J. H. Slagle J.P.

State of Missouri }
County of Jefferson }

I J. H. Slagle one
one of the Justices of the peace within
and for the County aforesaid do certify
that said Polly Wilson, Augustus Wilson,
Jackson Peppers & Abner Winn were

was brought before me and charged
before me with murder upon the body of
Michael Hull and the said Polly
Wilson Augustus, Wilson Jackson

Pepper and Abner Winn were distinctly
by me of the charge made against them
and that they were at liberty to refuse
to answer any question put to them
and the said Polly Wilson August Wilson

Jackson Pepper and Abner Winn
as also of the said Elizabeth Hull,
Josiah Lee, Perry Buttick, Nathan Pepper
Wm Raymer, Dettie Wilson, John C
Hermonpton, and G Johnston, Henry
Williams, Abram Hellerbrand
Richard Royle, Rob Pepper, and
I Wilson witnesses here by me taken and
Reduced to writing the day & year
aforesaid. Given under my hand
this 22nd day June 1861.

Justice of the Peace

✓ Nathan Sullens, Justice, —
Alfred Stewart Justice
Noah Niss Appointed as Constable
J. G. Glaze Committing Justice

\$ 45
45
7.75
11.85
\$ 20.60

State
a gainst
Mary Willson

Filed June 24th 1861
Thos. Hooley.

State of Missouri } In the Circuit Court
County of Jefferson } December Term 1862
Jefferson County

The Grand jurors of the State of Missouri
now here in Court duly, personally, sworn
and charged to inquire within and for
the body of the County of Jefferson, upon
their oath present that Jackson Peppers
late of said County, on the nineteenth day
of June Eighteen hundred and sixty one
with force and arms at and in the County
of Jefferson of and as, in and upon the body
of one Michael Null, in the peace of the State
then and there being, feloniously, wilfully, deliberat-
-ly and premeditatedly and of his malice afore-
-thought, did make an assault; and that the
said Jackson Peppers, a certain knife, which him
the said Jackson Peppers in his right hand then
and there had and held, to, at, upon and against
him, the said Michael Null, then and there fe-
-loniously, wilfully, deliberately, premeditatedly and
of his malice aforethought, did strike, cut, stab,
and wound, with the knife of and as, so had
and held as of and as, the said Michael Null.
And that the said Jackson Peppers, with the
knife of and as had and held as of and as, the
said Michael Null, in and upon the belly, in and
upon the right side under the right arm and in
and upon the left breast of him the said
Michael Null, then and there feloniously,
wilfully, deliberately, premeditatedly and of
his malice aforethought, did strike, cut-
-stab and wound, giving to him the said
Michael Null, then and there, with the knife

ofore said so as ofore said by him the said
Jackson Peppers so had and held, three mortal
wounds, that is to say one, in and upon the belly,
one in and upon the right side under the right
arm, and one in and upon the left breast
of him the said Michael Null, each of the
length of three inches and the depth of
size inches, of which said mortal wounds
the said Michael Null from the said nine-
teenth day of June eighteen hundred and sixty
one until the evening of the day and year last
ofore said at and in the County of Jefferson
ofore said did languish and languishing did
live on which said nineteenth day of June
in the year last ofore said the said Michael
Null at the County of Jefferson of the
said mortal wounds did die -

And so the jurors ofore said upon their
oath ofore said do say that Jackson Peppers
him the said Michael Null in manner and
form as ofore said, feloniously, wilfully, delib-
erately, premeditatedly and of his malice afore
thought did kill and murder.

And the jurors ofore said upon their oath
ofore said, do further present that Leonard
Wilson, Polly Wilson, Augustus Wilson and Abner
Winn, all late of the County of Jefferson
ofore said, being present when the felony and
murder was committed in manner and
form as ofore said, to wit on the nineteenth
day of June eighteen hundred and sixty
one, at the County ofore said -

were accessory thereto being present
and did feloniously, wilfully, deliberately,
premeditatedly and of their malice afore-
thought, counsel, aid, procure, incite and
assist and command him the said Jackson Peppers
to do and commit the felony and
Murder aforesaid, in manner and form
as aforesaid.

Against the peace and dignity
of the State of Missouri

Samuel I. Gale Clerk's
Atty -

State of Michigan

vs.

Jackson Popple
et al

Indictment for

Murder

A true Bill

Alfred Stewart

Prout

Joanna

Witness

Charles C. Russell
J. G. Wapington
Henry Brown

Wm. Perry
J. B. Butler
Thomas H. H. H.

For the Dec.

Subscribed Jan'y 17th 1863

Wm. D. Hooley

State } Evidence on the part of the
 State }
 Augustus Wilson }

Elizabeth Everett says I lived on Big River in Jefferson County Mo. on the 19th of June 1861 near Maddox Mill was the wife of Michael Mull Mull died on the 19th of June 1861 he went into the field to work in the morning I heard a fuss out there & went out found Mull out in the road fussing with Polly Wilson Polly Wilson Clarra Wilson & Fanny Williams were there Question by Circuit Atty. what was Polly Wilson saying to Mull ans. she was cursing him & calling him names she called him a damned son of a bitch &c. ^(ob to) about a quarter of an hour after I got there Sen. Wilson Defendant & Jack ^{& Cap Wynn} peppers came from towards the river Sen. Jeff. & Jack, all three had guns Defendant ran up to Mull & cocked his gun against his breast, & at that time Polly Wilson knocked me down with a stick & kept me down till the fuss was over when I got up Defendant Jack pepper & Cap. Wynn were pushing Mull off towards the house I said Wilson was after him with a knife I endeavored to get it from ^{covered with blood} him & he stabbed me in the left ~~arm~~ shoulder, Defendant Jack peppers & Cap Wynn let Mull go & he fell I went to him ^{he was bound to die; that} & he said Jack peppers had stabbed him under the right arm ^(ob to) Mull then said he wished some person was there to write his will & told me what to have done with the saw logs at the mill, Mull then said that he was bound to die, this is last words Mull ever said to me, he said Sen Wilson &

Jack peppers had stabbed him (ob to) I saw three wounds
 on Mull one under his right arm, one in his stomach & one
 in his right hip, were all made with a knife he was bleeding
 & could not help himself I knew when I saw him that he
 was bound to die, he saw me bleeding & said it would
 be bad if we both die? but if I lived to take care of the children
 Mull died before we got him to the house these were the last
 words Mull ever said to me Question did Polly Wilson say
 any thing Ans ~~he~~ she said when it first commenced
 "Kill him if he ever gets well he will kill us" (ob to)
 Question what did Sen. say? he said after Mull was down
 God damn you you threatened my life & I've got yours (ob to)
 Mull died in the house I saw him after he died the fuss took
 place about 8 or 9 o'clock A.M. it was 80 or 100 yards
 from the house when I got to where the fuss was Mull &
 Polly Wilson were quarreling Defendant, Sen. Wilson &
 Jack pepper came up the road together each one had a
 gun, ^(the prisoner) Sen. ran up & put his gun cocked against Mull's
 breast it had a cap on, then Polly knocked me down & I did
 not see what Mull did, I saw no Stabs given, after Mull fell
 Sen. Jack pepper & Winn went off & Sen. came back
 & said to Mull that he did nothing Mull said You put the
 gun to my breast

Cross Examined

I don't know what year this was in the people said it was
 on the 19th of June Sen. Wilson lived about a $\frac{1}{2}$ mile
 from us I was there about 4 hours before Sen. & the boys
 came up didn't hear them say any thing till they commenced on
 Mull Defendant commenced by putting the gun against Mull's
 Breast I was two or three yards from Mull don't know

What Mull did for I was then knocked down by Polly Wilson with a stick about as large as a broom handle. Mull had no weapons about him but a Jack knife in his pocket it was found in his pocket after his death. Mull was not a religious man I never heard him say anything on the subject of Religion we were married 15 or 16 years. I can't say that I feel friendly towards the Defendant. ^{Question} Did you try to prevent Defendant from shooting your husband when he cocked the gun at him ans. No, I did not for I was knocked down by Polly Wilson at that time & could not get to them -

Re 2^d by Cir. Atty.

Polly Wilson told the girl to take the horse & go for men & not to spare the horse. (ob to)

Dr Jennings says I think the wound described as being on the right side under the right arm or the one in the stomach would either one be likely to produce death the wound on the hip might or might not prove fatal

J. H. Williams says, I know the Defendant, have known him 10 or 12 years I think he is a man of bad character for peace & quietude (ob to) Question by Cir. Atty. have you ever seen him in a difficulty with any person ans. I have (ob to) how often once or twice (ob to) I saw him draw a knife on a man (ob to) have you ever seen him about the groceries & drinking & quarreling (ob to) I have sometimes seen him drinking & disorderly, do you know anything of his general character for peace in the neigh

(This must be inserted next to the last)

4

hood where he lives. But, I do not, I live several miles
from him, — Excluded from the jury —

Joshua Lee Realled says, I saw Jeffers carrying a
knife several days before Mull was killed a
Dirk knife with a brass guard about $\frac{1}{2}$ inches wide
in the blade don't know whether it was the same
knife Mull was cut with or not neaven said him
have it till a few days before Mull was killed

7
Evidence for defence

Mrs Clara Simpson, I am a daughter of Sen. Wilson
on the morning Mull was killed a little boy come running
to our house & said Mike Mull had killed Cap. Winn
my father was in the horse lot gearing his horses to
go for a load of corn, he took one of his horses & rode off
down the road to see about it & mother (Polly Wilson)
Fanny Williams & myself went off down towards
Mull's to see about it & bring Cap. to the house if we
found him father was gone before we started he did
not come in the house before he started we met Mull
in the road near his field he told us to stop, we asked him about
Cap. Winn he said he had not hurt Cap. Winn we then said we would
go back home he said we should not that if we did he would kill
us, he was mad, his wife was not there then, but she soon came there
was loud talking & quarreling going on, Gus. father & Jack, soon
came up, Gus. & father had guns there were but two guns in the
crowd, when they came up Sen. said what is this fuss about

State

no

Wilson

Herrington - Was present at inquest on body of Nell.
 was on the inquest. I examined the wounds. Under right arm - 2 in.
 below arm was wound; I probed it 5 in. deep found no bottom to it.
 I think this wound would produce death. Another wound under left rib - left
 breast near centre of body. Probed. Cell fat came out - was 2 1/2 in wide
 another on left hip, ranged down. I probed it 4 1/2 in. deep. I think
 it was not a mortal wound. No other important wound found. I have
 read Surgery some, but am not a regular practicing physician. Have but
 little experience. Think I can tell difference between knife & gun shot
 wound.

+

I got there before the justice got there. I first dropped Mr. Nell's wound. It was
 2 or 3 o'clock when I arrived at Nell's house. Nell was lying on floor dead.
 I worked on farm, Mechanism some - practicing med. some. Have read some
 several works on
 considerable medicine.

Bitlick - Last time I saw Mr. Nell 19th June 1861 at his house
 in this County. Some one came to where I was at work saying Nell & Wife
 were killed. I & others went over to where Nell & wife were lying 1/2 way between
 field & house by side of road. We took them to the house - Nell first.
 Nell died soon after we got his wife to the house. We laid Nell on floor
 between the doors. Saw blood on ground where he laid.

Wound ~~in~~ under right arm, on left breast, former width of 2 fingers,
 latter was 3 fingers wide about. Nell said to me when I first went to him
 he was in bad condition, - "I don't think I am long for this world;" I said
 he was going to die & that in a short time. I thought from his appearance
 that he could not last long. I thought I would have to testify & I asked him
 about who did the cutting. He didn't live over an hour. He wanted us
 to take him to his house before he died, he said he wanted to die at his
 house. I asked him who inflicted the wounds ^{that caused his death} on him. He said, "I know
 very well." His wife & Leonard Wilson told Jack Pappet to stop him -

and that Jack Pepper stabbed him under right arm. - Pepper stepped back & Leonard Wilson called on Jack Pepper to stab him again. Pepper refused to do so, and Lem. Wilson took knife & cut him in the breast & in the hip. He told me also that, Pally Wilson, Gustus Wilson & Cap Winn were there. He seemed to be frustrated a little ⁱⁿ an agony. Wounds were not bleeding much. I was present when Null died - I think the cuts killed him.

+

Gus. Wilson is a son of Leonard Wilson. Pally Wilson is his mother.

~~Null~~

Henry Bernes. - Lived 2 1/2 miles from the Null place. - I went to help take him to the house. He opened his eyes, & said he would die. - his poor children - Wilsons had stabbed him
+ cross examined
Null didn't name any one of the Wilsons - He was a very wicked ^{ten minutes after Perry Bittick} man. Don't think Null was in his right mind when I got there I got there about 7
Josiah Lee. - Saw Null last 19th June 1861, - lying ^{60⁰⁰ 70⁰⁰} 100 yds. from his house, on the grass - he said he was killed. I said I reckoned not Mr. Null. He said he was. I saw he was very bad & thought he would die. He showed me the fat protruding from his stomach or breast. His wife was lying by his side. 40 or 50 yds. from there I saw Gus. Wilson & Jack Pepper walking off towards Wilson's place. Saw no one else. Null said Gus. Wilson came back & talked with him, & told him he had done nothing. Null said he (Gus.) put the gun against him & then he was killed - Null caught the gun & in the tussle he was cut. Said Pepper & Lem. Wilson cut him. He lived 3/4 of an hour after he made these statements
cross examined +
Null said Gus. Wilson & Jack Pepper went down fishing, ^{in the morning} past his field
Always thought the Wilsons were peaceable ~~characters~~ people. Said Lem. Wilson first snapped his old flint lock gun at him - then Gus. presented his gun to him & he (Null) grabbed it, & Gus took the cap off it - then he (Null) was cut.
++

& 7 could.

* Where father & the boys came up in father asked what Gus was carrying. Mull said I will show you. I suppose Gus had a pocket knife drawn it was a large pocket knife it was then Mull grabbed Gus's gun.

Mull said I will show Question did Mull swear, he did said damn you I will show you. Question did your father speak in an angry manner when he asked what the fuss was about? he did not, when Mull said I will show you he jumped at Gus, Defendant, Green, & ~~was~~ Caught hold of it, Gus held on to his gun, did not see Gus, present Gun at Mull, Question did Gus, present the Gun at Mull? ans, he did not, Mull had his gun, knife drawn across mother's throat several times before father & the boys came up ^{it was a pocket knife} & started and ran off up the road when Mull grabbed Defendant's Gun, & did not see Mull stated, did not see any gun presented, When Father came up Mull was standing talking to us he was not then cursing us Father & Mull had been unfriendly for a good while before Mull's death, Mull was a very large stout man & whipped every person he fought with and every person was afraid of him Question did you ever hear anything said by your father & Gus, & Jack pepper about killing Mull or hurting him ans, I did not - was anything said about it that morning nothing to my knowledge, how old were you then about 15 years old where did Gus, & Jack pepper go on the morning Mull was killed ans, they went fishing, what did they take to fish with ans, they ~~guns~~, took the guns to shoot fish with - was Jack pepper living with your father? No he was there on a visit came the night before? where did they go fishing ans, to the river did they have to go by Mull's the road to the river goes along by his field Coy Wain was making a crop with father he was no kin to us he was getting part of crop he might have been

grown was small,
 Good I,

Father was gearing his horse when little boy came & said Cap Winn was killed he ungearred one horse & took one of my little sisters on behind him & went to hunt Cap Winn they started off & the next I saw of them was when they came up to us in the road where Mull was they all came walking up the boys had the guns shooting fish,

Mrs Johnston says, Mull was my husbands Cousin I have heard Mull make threats against Sen. Wilson, I heard Mull say he had waylaid Sen. Wilson twice with his gun this was a year or so before Mull was killed, I also heard Mull say he could put poison in Wilsons Well, he said he was more to good to do it I told Wilson of this he said not to mind Mull that he would soon get in a good humor again I could not keep friendly with Mull, he often threatened to kill my boys & leave them laying in the woods Mull was a very violent turbulent & wicked man he was a very high tempered man, was in the habit of whipping every person he fell out with he was a very large stout man,

James Williams says —

The morning Mull was killed a little boy came to Sen Wilsons house & said that Cap Winn was killed Polly Wilson Clara Wilson & myself went down towards Mulls to see if we could find Cap we met Mull in the road he had a rock in each hand he stopped us in the road we asked him about Cap Winn he said he had

& Cont^d

Not hurt Winn we then said we would back home Bull said we should not go back, he then took his knife out, & called to his wife to bring him his gun, Shortly after this Sen, Gus, & Jack & Cap Winn came up, Sen. asked Bull what the fuss was about, Bull said he would show him & stepped toward him with his knife drawn at him Sen. then stepped back & cocked his gun at Bull, Gus was squatting down, he moved as if he was going to get up as Bull moved towards Sen, & Bull grabbed his ~~Gus~~

Gus, gun, Bull called to his wife to bring his gun, she came but did not bring any gun, as I saw, she said she came to make peace don't think Bull had any rocks in his hand when Sen & boys came up, they only had two guns when they came up I am sure, they only had two, the same two they took fishing in the morning Sen, had to travel the same road by Mells, Gilda as he went to the

river where the boys were fishing Bull was a very large stout man, I never heard any thing said by Sen. & the boys about killing Bull before he was killed I lived with Sen, he is my uncle, Just did Gus present gun, at Bull when he came up? he did not, he came up & squatted down, did you see Bull stabbed did not when he grabbed Gus, gun I turned & left did you see Mrs Bull knocked down by Polly Wilson? I did not, did Polly Wilson have a stick in her hand when Sen. & the boys came up if she did I did not see it, as you left did you go near Mrs Bull I passed near her did not see her stick

Cross Ex.

Bull had his knife out & whittled with it on a stick it was a large pocket knife, he ^{flourished} ~~threw~~ it several times ^{towards} ~~across~~ and Polly's ~~throat~~ before Sen. & boys came up

9
H. Hetterbrand says I knew Mull have heard him
make threats against Sen Wilson Some time before Mull's
death I was working with Sen, & Mull came to where we were at
work, & said to Sen God damn you if it was not for your
gray beard I would have made peace with you long ago, they
were quarreling about a strip of Land, never heard him
say he would injure Wilson in the future Mull was a
quarrelsome violent tempered man he was in the habit of abusing
& cuffing people about, he was a very wicked man never
heard him say anything about religious
Cross

I knew him all my life he never abused me we got along well

Perry Bettick ^{saw} ~~says~~ ~~Mull~~ after he was stabbed, he told me when I went to him that Jack
Jepper stabbed him first under his right arm & that Sen Wilson
then took the knife & cut him in the breast. I don't know
that he said Gus. Wilson did anything - Mull was a violent
quarrelsome man never heard him say anything about religion
I was with him before he died he said nothing about whether he
was prepared to die or not did not seem to pray or make any
preparations for death or say anything about what he thought
would become of his soul after death nor seem to be in any way
concerned about it - Mull lived about half mile from the river

after he was stabbed that
Josiah Lee Mull said, Gus. pointed the gun at him & he caught it
& that Gus. jerked the cap off it, & it was then while he was in
the Skuffle for the gun that he was stabbed, Mull told me that
after he was stabbed he walked off from the place where
he was stabbed 40 or 50 yards & could not go any further he did

not say that any person took hold of him after he was stabbed
 I saw the place where Mull was stabbed knew it was the place
 from the blood on the ground I was the first man there after he
 was stabbed he was laying 40 or 50 yards from where he was
 stabbed his wife was laying near him, Question what is the
 Character of Defendant for peace & quietude in the neighborhood
 where he lives, I have always considered him like a peaceable person,
 Question what was the character for peace of Mull - he was
 a quarrelsome man & was often in fights

Cross Ex

Question by Air. Atty, do you know what became of Deft. Gus -
 after Mull was killed Gus. he went off left the Country

Re Examined by Defendants Counsel

do you know if Gus. went into the army when he went off
 Gus, I can't say whether he did or not,

(Re cross Ex. by Air Atty,

Question don't you know that Gus. did not go into the army
 Gus - I heard he was taken prisoner & taken to Johnston's island &
~~what became~~ (obj to) And what became of him then, I under-
 stood that he was exchanged & sent South (obj to & excepted)

(Excluded from the jury by Court)

of Elizabeth Everett

Defendant then read in evidence the depositions taken before the
 justice at the time the ~~request~~ Defendant was tried before the
 & committed shortly after the death of Mull for the purpose of
 discrediting her testimony which depositions are as follows, I wit-
 (here copy depositions)

introduced.

And this was all the evidence

John W. Emerson
 Judge

obj. 5 & If the jury believe from the evidence that it was not the intention of those engaged in the assault upon Null, to kill him but that they intended ~~to~~ do him great bodily harm, ~~and that the result of~~ and that Null died from a wound or wounds received in said assault such killing is murder in the first degree by the statute of this state

6 & Wherever it appears from the evidence that the crime was at the moment, deliberately or intentionally executed the killing is murder in the first degree

7 If the jury believe that the knife used was not necessarily a deadly weapon, they may find the prisoner guilty of Murder in the second degree.

8 If you find that deceased was Wilfully and maliciously killed by Leon Wilson, Jack Pepper, and this defendant, by cutting and stabbing, it is either Murder in the first or second degree; if they stabbed and killed deceased in a cruel and unusual manner, in a heat of passion, as above described, but without a design to kill, it is manslaughter in the second degree;

If they stabbed and killed deceased in a heat of passion, without a design to effect death, not in a cruel and unusual manner, the offence is manslaughter in the third degree

9th 4th If you find defendant guilty of Murder in the second degree, you will fix his punishment in the Penitentiary not less than ten years.

If you find him guilty of Manslaughters in the second degree you will fix his punishment in the Penitentiary not less than three, nor more than five years:

If you find him guilty of Manslaughters in the third degree, fix his punishment at ^{like} imprisonment for not less than two nor more than three years, or in jail not less than six months, or by fine not less than five hundred dollars, or by both a fine not less than one hundred dollars and imprisonment in the County jail not less than three months.

3^d That although the jury may believe
from the Evidence that Lenard
Wilson & Jackson Pepper killed
Null and that such killing was
not justifiable and although they
may believe that Defendant was pres-
ent at the time of the killing that
the mere fact of such presence
is not sufficient to involve him in
the guilt of said Lenard Wilson &
Jackson Pepper and they should
acquit unless they believe from the
Evidence that he was so present in
pursuance of some Confederation or
Common Design ^{to do some great bodily harm to deceased} ~~of which the act of~~
~~Killing was a part~~ or being so
present aided and abetted them in
Killing Null.

Given

State
vs
Augustus Wilson

Instructions asked by
Defendant

1st

The Court instructs the jury
that before they can find the Defendant
guilty of murder in the first degree
they must find that from the evidence
that Leonard Wilson & Jackson Pepper killed
Null wilfully, Deliberately, premedit-
atedly and without justifiable cause
and that Defendant knowing their
intention ^{or do great bodily harm to the} to kill Deceased was
there present aiding encouraging &
abetting them in so doing

2nd

That if the jury should even believe from
the evidence that Leonard Wilson &
Jackson Pepper killed Null under

Given

Refused

6th The Jury are further instructed that although Defendant was present at the time Null was slain yet unless they believe from the evidence that he did or said something by which Sen. Wilson & Jackson & Pepper were aided or encouraged to kill Null then they must acquit

Refused

7th That the dying declarations of Null are entitled to no more weight than his evidence would have been if given when in good health in a court of justice under the sanction of an oath

8th

Refused

That if the Jury believe from ^{truthfully} that Null stated falsely as to any one material point as to the Cause or Circumstances of his death then they are at liberty to disregard his whole Statements or or if the Jury have a reasonable doubt as to whether ~~as to whether~~ his mind was sufficiently composed at the time he made the Statements or

Refused any of them that have been introduced in evidence then they will disregard any statement or statements that they may believe to have been made when his mind was in such condition

Given 9th If the jury believe that any witness wilfully swore falsely as to any one material point they are at liberty to disregard the whole testimony of such witness, and the same rule will apply to the ^{dying} declarations of the deceased.

10th ~~If the jury have a reasonable doubt as to the guilt of defendant they must acquit~~

10 If the jury believe that there was no common design or intention between Lem Wilson, Geo. Wilson and ~~the~~ others to kill or do great bodily harm to Michael Null; and that said Null was of a violent, turbulent and dangerous disposition, which was known to said Wilsons, and that Null was advancing upon Lem Wilson, ~~the father~~ ^{or} of the prisoner on trial, with any weapon; and if you believe that the defendant had reasonable cause to apprehend a design on the part of the deceased to ~~commit~~ do any great bodily harm to either of defendants, and that there was reasonable cause to apprehend immediate danger of such design being carried into effect, then either of said Wilsons were justified in using sufficient force, - even killing the deceased, - if necessary to prevent his carrying out his ^{designs} against them.

11th ~~And~~ It is sufficient to justify them if they had reasonable grounds to apprehend such danger, whether it really existed or not. If such reasonable ground did exist and ~~you~~ ^{they} acted upon it, you should acquit. But before you ~~they~~ ^{you} acquit, ~~the jury~~ ^{you} should find from the evidence that defendant's cause of apprehension was reasonable. You are to judge from the evidence whether this reasonable fear existed or not. If defendant's fears ~~were~~ upon which he acted were not based upon reasonable cause, then he is not justified, no matter what he may have thought about the ~~overminence~~ ^{eminence} of the danger.

13th. If the jury believe from the evidence that the deceased was of a rash, turbulent and violent disposition, and that defendant had knowledge of this, then it is a circumstance for the consideration of the jury in considering the reasonable cause for defendant's fear of great personal injury to himself or his Father, Len. Wilson.

13th ~~4th~~. If You find from the evidence that the defendant, or his Father Len. Wilson, had a difficulty which resulted in the death of the deceased, and that defendant commenced the difficulty or brought it on by any wilful or unlawful act of his, or that they voluntarily and of their own free will entered into the difficulty, then there is no self defence in the case, and you should not acquit on that ground; and in such case it makes no difference how eminent the peril may have been in which defendant, or Len. Wilson was placed during the difficulty.

14th. If the jury have a reasonable doubt of defendant's guilt you should acquit him; but such doubt does not mean a mere possibility of defendant's innocence, but a rational and substantial doubt touching his guilt.

15th. The dying declarations of Michael Null are entitled to the same weight, and no more, than his sworn testimony & would be, if given in open Court. And his sense of Religious and moral obligation may be taken into consideration by the jury in determining how much reliance to place in his statements, of the deceased.

10th

For Sept.

Refused

I can't make up the jury that they should
be taken from their consideration all the declarations
of Sen. & Wells Prison made at the time
Mull was killed or before the killing took place
unless they believe from the evidence that at the
time Mull was killed there was some confederation
or common design between Sen. & Wells,
& this I don't want to write. Mull or to do him some
great bodily harm

1 If the Jury believe from the evidence that
obj. Michael Null was wilfully, deliberately and
premeditatedly killed in the month of June
1861. in ~~this~~ Jefferson County, and that
Augustus Wilson the prisoner was present
aiding and assisting, they will convict.

2 The deliberation and premeditation nec-
essary to constitute murder in the first
degree may be inferred from the circum-
stances connected with the killing; and
if malice existed it is sufficient. it is
not necessary to prove the length of time
it existed.

3 All present at the time of committing the
offence are principals, even if they do not
obj. all act, if they are confederates, and en-
gaged in a common design. the blow of
one is the blow of all -

4 Any or all of the above points may be es-
obj. tablished by circumstances

We the jurors find
the Defendant guilty of
murder in the Second
Degree Sentence ten years
in the penitentiary

Alonzo Bell
foreman

Thurs

22

A. Wilson

Printed Nov-21 1865,
Samuel A. De Puy del

State of Jefferson Cir.
Court
Augustine Wilson vs. Nov. Term 1865

Defendant moves the Court
to arrest the judgment for
the following reasons, viz.

1st The indictment is not suffi-
cient to sustain the judgment
for this the reasons
first ~~it~~ is the assault
charged to have been made is
not charged to have been
feloniously made

Secondly it is ~~not~~ charged
that Jackson Pepper killed
Null by stabbing & that this
Defendant was present aiding &
abetting but it is not charged that
the stabbing was done with a
deadly weapon - it is not
charged that said pepper had
in his possession any weapon
or that Null was stabbed with
any weapon in the possession
of ~~any~~ said pepper or any of
the Defendants in said indictment

2nd It is not charged that said
Jack peppers Wilfull, Deliberately
& premeditatedly stabbed &
killed Mull, & that Defendant
so aided & abetted him,

3rd The wounds charged to have
been inflicted on Mull are not
sufficiently described

4th It is not charged in what year
Mull died from said wounds

5th Said Indictment is otherwise
defective & void

Williams for
Deft.

Ms

A. Wilson

Motion in Circuit
of Fred Green A-

Filed Nov 23 1865

Samuel D. Ripley
clerk

State
vs
Augustus Wilson } In the Circuit Court
November Term 1865

Now at this day comes the
Defendant & moves the Court to set
the verdict in the above Cause aside
& grant him a new Trial for the
following Reasons, To wit,

1st Because the verdict is against the
Law & the instructions of the Court

2nd The verdict is against the Evidence &
the weight of Evidence

3rd The Court Erred in giving (of its own motion)
1st, 3rd & 5th instructions there being
no sufficient Evidence to warrant them
& because the first instruction is too
uncertain & indefinite, which instructions were

Calculated to mislead the jury
4th Because the Court Erred in admitting
the declarations of Null as proved by
the witness Mrs Everett,

5th The Court Erred in allowing the
State to introduce Evidence of partic-
ular acts of Drunkenness of Defendant.

And of one or more acts of disorderly
conduct for the purpose of showing the
Defendant to be of Bad Character which
was highly improper & Calculated to
prejudice the minds of the jury against
the Defendant notwithstanding the
same was Excluded from the jury

6th The Court erred in allowing the State
to prove in evidence the declarations of
Len. & Polly Wilson Made at ~~before the~~
& before the time Mull was killed &
in refusing to Exclude the same from the
jury ^{by instruction} on Motion of Defendant

7th Because the Court Erred in permitting
The State to prove in evidence that
Defendant had been taken prisoner
~~about~~ about the Year 1861 &
Confined in Johnson's Island ^{military prison} by the
Soldiers of the
United States Army & by most
improperly permitting the
Circuit Attorney to Comment on
such evidence in his argument

of said Cause before the jury &
which were calculated to prejudice
the minds of the jury against the
Defendant & to mislead them

8th Because the Court improperly commented
upon the Evidence & the Law verbally
in the presence of the jury during the
progress of the Trial

Thomas & Williams
Attys for Defendant

Wm

A. Wilson

Wm to be a vice
president

Wilson
for Sept.

Filed Nov 22 1865
Samuel A. Rephugell

State of Missouri } In the Circuit Court of Jefferson
County Missouri
Augustus Wilson } November Term 1865

Be It Remembered that at a Regular Term of the Circuit Court of Jefferson County began and held on the 13th day of November 1865 and on the sixth judicial day of said Term the above Cause coming on to be tried the Circuit Attorney to sustain said Cause Read an indictment against the Defendant for Murder in the first Degree which indictment is in words & figures as follows, To wit (here copy Indictment) The Circuit Atty. then introduced as witnesses in said Cause on the part of the State Elizabeth Everett, John C. Herrington, Perry Bitlick, Josiah Lee, Henry Behrens J. W. Williams & Dr Jenkins who testified as follows, To wit, (here copy Evidence of said witnesses) ^{on part of State} During the examination of the witness Mrs Everett, the Circuit Attorney offered to prove in evidence declarations made by Polly Wilson during the fuss in which Mull was killed and asked said witness the following question, To wit, after Sen. Wilson & Defendant & Jack Peppers came up to Mull what did Polly Wilson say if anything, To which question Defendant then & there objected for the reason that no conversation between said Polly & Sen. Gov. & Jack Peffer had been proven for which reason said question was incompetent But the Court overruled said objection and allowed the

Witness to testify as follows, To wit, "Polly Wilson said kill him if he ever gets well he will kill us" to which ruling of the Court in overruling said objection & allowing said witness so to testify Defendant then and there Excepted and afterwards during the examination of said witness The Circuit Atty. offered to prove declarations of Len. Wilson & asked the following question, to wit, after Mull was stabbed what did Len Wilson say if any thing to which question the Defendant objected for the reason that no confederation had been proved between Len. Defendant & others before the killing of Mull &c, But the Court overruled said objection and allowed said witness to testify as follows, To wit, after Mull fell Len. Wilson said "damn you you threatened my life and I've got yours" to which ruling of the Court in overruling said objection and allowing said witness so to testify Defendant then & there Excepted - The Circuit Atty. then offered to prove declarations made by Mull to ^{said} witness after he was stabbed & before he died & asked the following question, To wit, When you went to Mull after he was stabbed what did he say to which the witness answered as follows, To wit, ^{that he was bound to die} Mull said that Jack pepper stabbed me first under the right arm, that he wished some person were there to write his will & told witness what to ^{he said if we both die it will be bad - if you get well, take good care of the children} have done with saw Logs at the mill &c, &c, ~~and then said to witness that he was bound to die~~ In the action of the Court in overruling the objections of Defendant & allowing said witness to testify as aforesaid Defendant then &

There Excepted, and afterwards in the progress of said Trial the Circuit Atty. offered to prove by J. H. Williams a witness for the State, the Character of Defendant for peace & quietude and asked said witness if he had ever seen Defendant have a fuss, to which question Defendant then & there objected but the Court overruled said objection & allowed witness to state as follows, To wit, I have frequently seen Defendant drinking & disorderly, once saw him have a fuss & draw a knife on a man think he is a violent person but know nothing of his general Character for peace in the neighborhood where he lives I live several miles from him which evidence the Court told the jury was excluded from their Consideration but to the action of the Court in allowing said witness to state said facts in the presence & hearing of the jury the Defendant then & there Excepted as being wholly incompetent & calculated to mislead and prejudice the minds of the jury against the Defendant.

After the State had closed her evidence the Defendant to sustain his defence introduced the following witnesses, To wit, Clara Simpson, Fanny Williams, Perry Pittick Josiah Lee, C. Johnston H. Hellerbrand who testified as follows, To wit (here ^{on the part of the Defendant} Copy the Evidence of said Witnesses) and also Depositions of Mrs Hull now Mrs Everett taken before a Justice of the Peace on the Trial of Defendant & others shortly after the death of

Null for the purpose of discrediting said
Witness which Deposition is in words as follows
To wit, (here copy said Deposition) And upon the
Cross Examination of the witness for the
Lrr, the Circuit Atty, by way of showing that
Defendant had fled from Justice Asked
the witness the following question, To wit,
Don't you know that Defendant was not in
the army in 1861 Don't you know that he
was taken prisoner and taken to Johnston's
Island? To which Defendant then & there object-
ed but the Court permitted the witness to
answer said question, to which action of
the Court in permitting said witness to answer
said question in the hearing of the jury
the Defendant then & there Excepted,
The Circuit Atty, then asked said witness
if he knew what became of Defendant
after he was taken to Johnston's island to
which question Defendant then and there
objected but the Court permitted said witness
to answer said question as follows, To wit,
I understood that he was exchanged & sent
South, to which action of the Court in
permitting said question to be asked &
answered in the hearing of the jury as
aforesaid the Defendant then and there

Accepted, Whereupon the Court told the jury that said Evidence was Excluded from their Consideration, but to the action of the Court in allowing the jury to hear the same Defendant then & there

Accepted for the reason that such Evidence though formally Excluded was Calculated to mislead & prejudice the jury against the Defendant & was wholly incompetent —

And in the argument of said Cause before the jury the Circuit Atty. Commented upon the fact that Defendant had been in Johnston's Island Military prison & been sent South on exchange, &

To which action on the part of the Circuit Atty. ^{and of the Court in allowing him to do so} in so Commenting upon the same the Defendant then & there Objected and Accepted —

After the Evidence was closed the Court instructed the jury as follows, To wit, (here copy instructions) And of its own motion the Court gave instructions Number 1, 3, 4 & 5 which instructions are as follows, To wit, (here copy) to the giving of which Defendant then & there objected & Accepted — The Defendant then asked among others instruction marked No 10 which is as follows, To wit, (here copy it) which instruction the Court refused to give to which action of the Court in refusing to give said instruction the Defendant then & there Excepted

upon the close of the argument the jury returned
the following verdict (here copy verdict)
Whereupon the Defendant filed a motion to set
said verdict aside which motion was in words
as follows, To wit (here copy motion to set aside the
verdict) which motion being seen by the Court was
by the Court overruled to which action of the
Court in overruling said motion Defendant then
and there Excepted, the Defendant then filed
a motion to arrest the judgment which motion
is in words as follows, To wit (here copy motion
in arrest of judgment) which motion being seen by
the Court was by the Court overruled to
which action of the Court in overruling said
motion in arrest of judgment the Defendant
then and there Excepted, the Court then rendered
judgment against said Defendant as
follows, To wit, (here copy judgment) to which
action of the Court in rendering judgment
as aforesaid against Defendant Defendant
then and there objected and Excepted, and
here tenders his Bill of Exceptions which he
prays may be signed sealed and made a
part of the record in said Cause which is
done

John W. Emerson {Seal}

2188

State

Argument before

Bill of Exceptions

Filed

Nov 28 1865

Samuel A. R. M. P. C.

State of Missouri, Js.

To the Honorable the Judge of the
Ninth Judicial Circuit in said State,
Greeting: _____

Whereas, heretofore, to-wit:
on the third day of March One thousand eight
hundred and sixty six, there was filed in the
office of the clerk of our Supreme Court a transcript of
the record and proceedings in a certain cause late-
ly pending in the Jefferson Circuit Court, wherein the
State of Missouri was Plaintiff, and Augustus
Wilson was Defendant, so that the judges of our said
court might cause to be further done therein what
of right and according to law ought to be done; and
whereas, now on behalf of said ^{State of Missouri} ~~Augustus Wilson~~
it is shown to us that said transcript is incomplete,
and that other things relating to said cause still
remain before you to be certified to us —

Therefore, we command you, that with-
out delay you send to us under your seal a
transcript of the record and proceedings aforesaid,
as fully as the same remain of record before
you in said court, so that we may have them be-
fore us at our Supreme Court to be begun and
held in the City of Saint Louis, in the County of Saint
Louis, in said State on Monday, the 15th day of
October, one thousand eight hundred and sixty

six, and cause to be further done therein what of
right and according to law ought to be done.



Witness O. T. Fishback, clerk of
our said Supreme Court, at office
in the city of St. Louis, the twenty
third day of June, 1866.

O. T. Fishback
Clerk



In the Supreme Court of
Missouri.

State of Missouri,
Respondent.

vs. } Cordorais

Augustus Wilson,
Appellant.

Appeal from Jefferson Circuit
Court.

Returnable 15th Oct. 1866

In The Supreme Court Held at St Louis of the State of Missouri

October Term 1866

October 29th 1866

State of Missouri. Respondent

vs

Augustus Wilson Appellant

Appeal from Jefferson
Circuit Court.

Now again come the parties
consoiled by their respective attorneys, and it appearing to
the Court that the said Appellant has failed to file an
Assignment of Errors, and that the Record herein does
not show that an appeal was prayed for allowed in this
cause, it is ordered that the cause be dismissed
and stricken from the Docket, that the Appellant take
nothing by his Appeal herein, but that the Respondent go
thing without day and never of the said Appellant
his costs and charges herein expended and have execution
therefor.

State of Missouri S.S.

J. O. Disticks Clerk
of the Supreme Court Held at St Louis of the
State of Missouri certify that the above and fore-
going is a full true and complete copy of the
judgement rendered in the above entitled cases as fully
as the same remains of record in my office

In Testimony Whereof I have
hereunto set my hand and affixed
the Seal of said Court at office
in the City of St Louis this
fourteenth day of December
A D eighteen hundred and fifty six

J. O. Disticks Clerk
by E. M. Early Deputy Clerk



2138

Supreme Court of Missouri

State of Missouri Appr

vs

Augustus Wilson Appr

Mandate

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