

Telferson County Circuit Court
Case Files - Criminal

February 1868

State

vs

Haile, Alexander

Miller, J.W.A

Assault and battery

Beat August Weber with a
stick; file contains only testimony
before JP William Cook

Box

20 Folder 69

1
Mrs Coolie Miller being sworn testified
I reside in Jefferson Co 5 miles from Co seat
I am a daughter of Mr Hale I saw Mr Weber
at my place on the 30 Dec 67 My Father lives
with me the defendant Mr Miller is my son
and a grandson of Mr Hales Mr Miller lives
with me I saw Mr Weber I suppose about 10 o'clock
he was coming from the west from towards his home
through the lane he was in a common wagon with
a yoke of Oxen his wife was with him and
no one else that I saw my Father at that
time was standing out side of the gate a little
to the right of the gate my Father and Mr Weber
met in the lane about 25 feet from the house
Mr Weber drove up right opposite to Father and
halted and jumped out of the wagon all of a
sudden he was 2 or 3 feet from my Father when he
jumped out of the wagon a difficulty occurred
at that time between my Father and Mr Weber
I was sitting in the room looking through the window
and I saw Father strike him 2 blows with a stick
I then got up and went out on the porch
they were not out of my sight but more than a
second they were in my sight all the time but
a second or two when I was on the porch I
was within 25 feet of them and in full view of them
when I went out on the porch Mr Weber was stand-
ing up

and then Father made another lick at
 him but he did not bite him he then stag-
 ered over a stump and fell kind of on his arm
 he was going backward and hit his foot against
 a little stump about a foot high and fell
 Father gave him two more licks across the legs
 and body while he laid there he did not then hit
 him over the head. he laid maybe five minutes hard
 by that much he seemed to be entirely sensible
 while he laid there No person came near the old
 man or took him away from where Weber got
 up off the ground himself no person helped
 him up. he started of a little ways towards ^{home} and
 Sabere something in dutch to his wife she looked
 to wards the dragon and started off in a trot
 when they stoped and looked back their faces was
 towards me I saw webers face at that time
 I did not see any blood upon him not a
 drop ^{I mean I looked at the place where Weber laid there was no blood there} if there had been any blood on him I think
 I would have seen it as I saw him very plain
 when Father struck Mr Weber them two blows over
 the head he kind of jumped around I dont
 think it staggered him Mr Weber did not fall
 down more than once when he started off down
 the lane he walked alone went in a pretty smart
 trot when they stoped and turned round he turned
 round first and shook his head, he appeared as sensible
 as ever he was when Father struck him over the
 legs he hololo

I did not see them go all the way through the lane when they went about 25 feet I turned and went into the house Father went in when I did the small end of that stick ^{that Father struck Weber with} was about as big round as a mans thumb the big end was about a the base of a mans thumb it was about 5 feet long it was a dry stick when I noticed it it had no bark on it that was afterwards it was limber and very dry and light it was a piece of a stick that Kirk had drawn Oxen with it was hickory wood I tried the stick and know it was limber but I cant say that I ever tried to bend it double when Mr Weber and my Father first met Mr Miller was at the east end of the lane coming up the lane Weber came from the west end he came up about the same time that Weber did about that time that Weber stopped John took no part in the difficulty only to look on he did not go near him ^{Weber} nor touch him I did not hear John say a word to the old man encouraging him to touch Weber if he had I would have heard him ~~Cross Examination~~ John had no weapons in his hand during the difficulty

Cross Examination

When the Truancy first took place and I was at the window I could hear every word what few words that was spoke was spoke very low Mr Hale asked him if he had insulted any white woman lately I think perhaps that Weber did John like but if he did it was in dutch

I think that perhaps he did not understand
 Mr Hale immediately then commenced striking him
 I immediately then got up and went to the porch
 I saw him strike two licks on the head while I
 was at the window when I came into the
 porch John Miller was on the left hand side of
 the gate the fracas was on the right side he was
 standing there looking on he had just come up
 he did not attempt to part them Mrs Weber
 had got out of the wagon when I came on the porch
 she ran and ~~caught~~ caught Father by the whisker
 after those two licks were struck John jumped
 between them and told Father not to hurt her she
 kept clawing at his face so he at one time caught
 her by the sleeve to pull her away and the gatchers
 pulled out ^{this} while Weber was down and Father had
 quit striking John tried to pull her away she kept
 clawing at his face, Miller took her
 by sleeve and pulled her away
 from Hale, He did not touch
 her after that, did not see any
 thing in Millers hand, he did not
 catch her by her arm, caught her
 by dress and gatchers gave away
 and did not budge her, he did not
 strike her, did not hear John Miller
 say any thing to Mrs Weber, Weber
 was still lying on ground when Miller
 took Mrs Weber away

Miller did not kick Weber when he was on the ground. I was standing on the porch - was there during the fight. ^{porch was} About 20 ft from the fight - did not see Weber strike any blow. Weber got up in a very short time after John took the old woman away. Weber

got up himself - ~~did not~~

I could not tell anything about the wound. his hat was on all the time - Naile struck the 2 first licks fast. Weber was giving back Naile was following him up. Weber fell over a stump - then Naile struck I know he struck him after he fell but not before - he hit two licks on Weber's body. I am certain he did not hit Weber on the head. at that time. Weber ~~hollowed~~ hollowed while on the ground. ~~Miller~~ Miller was standing by but did not attempt to part Naile & Weber. Naile quit fighting Weber when he hollowed. Weber got up and started off and went a piece. Miller turned the wagon around - and Weber's started home and the crew followed

The stick was left where it was used, after the fight was over I took up the stick, had it in my hand it was about the size of a mans thumb, I am certain it was not a part of a ~~house~~ house gate, Weber was far enough away from the palings so that I could see him without looking through the palings.

Re-examination.

Mr Heile did not have the stick in his hand when John took the old woman away, he never had it in his hand any more afterwards the fight ended there,

C. S. Miller

attest Cook & Pomer
Justices of the peace

State } Before Squire Cook.
vs. }
Alexander Hail.

According to agreement of both parties all the testimony, given in the case of State against John Miller, is taken and received as testimony in this case, and then the following witnesses were sworn in the above case on the part of defendant,

John Williams being sworn, says
I saw August Weber on the 13th of this month, at his home, I told him, that I wanted to see his wife, and then Weber picked up his hat and went, Weber told me that his wife was at Bell's, I don't know how far Bell's house is from ~~Bell's~~ Weber's, I suppose it is about a mile. He said his wife would be at home in about 1/2 an hour. Weber went away. Weber talked some things as he usually does, and some things I did not understand him. Weber put his hand on his forehead and said shook his head. He speaks English, so, that sometimes I understand him and sometimes not, and far-

then witness saith not,

~~known to~~ and

John Williams

known to and subscribed before me

this 16th day of January AD 1868.

Attested by William Cook

an Powers Justice of the peace.

with the dogs - may be to drive them
off. - I saw only one dog - a middle
size dog - it was not a fiste, -

Sanction Members
after look to Power
Justices of the peace

State
vs
J. N. A. Miller

State
as
J. N. A. Miller } August Weber being sworn on part of State
deposeth & saith. about 2 weeks ago, Waile beat
him with a hickory stick. Miller was
present, I don't know what Miller
done any thing, was out of my head,
(~~he makes many gestures~~) don't recollect that
Mr Miller threatened me, (~~that he~~
~~his~~ ~~stare~~)

Amelia Weber, - Being sworn on part of prosecutor
states, - Two weeks ago, I was present at Mr. Mil-
ler's House, in front of the Lane, & saw a difficulty
take place between Alexander Hale, and ~~Alfred~~ ^{August} Weber, and
John Miller, - I and my husband, ~~Alfred~~ ^{August} Weber
were going by Mr. Miller's House, in a wagon,
- When we got opposite the House, - we saw Hale
coming this time back, - & when we got near
his stable in the Road, - a log was in the way, Weber
got out of the wagon to move the log out of the
way, and Alex^r Hale came up and knocked
him down, - Hale & Miller were standing side &
side, - I then got out of the wagon & went up to
assist my husband, & John Miller caught
me by the sleeve & jerked me back & tore
my sleeve, - I said there, you've killed my hus-
band, & Hale said no he ain't dead - the devil -
and Miller said kill him, - Hale struck
Weber with a stick - a piece of a horse yoke, -
stick about a yard long, - & as thick as my wrist,
or a tight barrel hoop pole, - Mr. Miller has in
his hand a mallet - such as is used in making
clap-boards, - Mr. Hale struck Weber with the
stick over ^{the back of} his head, shoulder, & back, - saw
blood run down his face, - Weber fell down
after the first lick, - Hale struck him with the
stick several times, - I went in between them

then, I Weber crawled out of the way, - I grab-
bed Mr. Hale in the beard, to stop him, - I Miller
then struck me on the head with the mallet,
I said will you let him go now, - Miller
then ~~stamped~~ Weber with his foot twice,
after he had raised, I was leaning against the fence,
I told him to get away from there, - Weber was
wounded ~~on~~ the top of the head, - extending
from the front to the back, - also bruised ^{on} the side
of his head, - Cut a gash on the head as long as
her finger, - don't know how deep it was, -
Weber was ^{seriously} disabled for seven days after
he was struck. He was confined to his bed dur-
ing that time & he had Dr. Stegman to attend
on him, - This all occurred in Jefferson County
Missouri, -

Cross-examined, - The difficulty referred to, took place on
the 31st Dec last, - they were going to Hartline's They were
at the corner of the fence as they go into the lane when they
first saw Mr. Hale, Mr. Hale was going down the lane and when
he saw them he went back toward the house, when she first saw
Hale he was about half way down the lane, she can't say whether the lane is 100 yds. long or not, when they first
came into the lane she did not see Mr. Miller when she first
saw Mr. Miller he came out of the gate 5 or 6 yds from her, Mr.
Miller came out of the gate from the dwelling house, Mr. Miller
at that time was ^{not} going towards them, he went into the road towards the logs,

While she interfered with Hale Weber got up, She understands a heap of common English language such as they talk about the house, but better language she does not understand, She swears positively that Miller said at that time kill him, She swears positively that Hale said to Miller get the ax, This was a pear off from the yard gate it was closer to the stable gate, I was about 25 feet from the dwelling house, She did not pay any attention to their countenances and cant say that they appeared to be very mad, ~~They~~ talked very loud when he said get the ax, Miller spoke loud enough for her to hear him when he said kill him, she could not have heard him 50 or 25 or 30 yards, by times she hears very easy and by times she is hard of hearing, she was about 8 feet from Mr. Miller when he said kill him, she couldnt say whether or not any body could have heard Miller 25 feet or not He spoke louder than people ordinarily speak in common conversation, he did not holles or loud kill him, he just said kill him, She cant say that Miller struck Weber with the mallet, he had it in his hand when he kicked Weber, Webers head bleed a good deal while he was there before he started home, and run down on his coat, It was the wound on top of the head that bled, the blood run down on his face and then on the sides of his coat, this was before he started home, She assisted Weber to get down to the corner of the fence, Mr. Miller then turned the oxen round and started them down the lane and she caught them, she led Weber from the place where the fight took place to the fence corner, with his head resting on her arm. She caught the oxen and had to tie them, and then assisted Weber to get into the wagon, as she was leading him Weber had the knowledge of some things and asked her the question what had happened,

Attested by
George & Pomeroy Justice of the peace
Henry Stebbins Interpreter

She did not see him chopping the logs, he had a stick shoving
toward one of the logs as if he were trying to raise it. She first saw him
coming out of the house going to the logs, by the time they arrived at the logs
Mr Miller & Mr Hale were standing together, she can't say where Miller
got the mallet, he was holding it in his hands as they came up, he did
not have it when she first saw him, she can't say that she saw any sign
of any boards having been made there at the logs, she did not pay
any attention to Miller's movements. She saw at a distance when
Mr Hale turned back that they were paying at the logs.
Weber tumbled down when Hale struck him the first lick,
when she interfered with Mr Hale to prevent him from striking
any more Weber had raised and moved toward the fence,
she can't say how many licks Hale struck Weber while he was down
he struck him two or three licks on the head & on the arm and ~~on~~
the side, Hale did not strike Weber any more after Weber got up.
Weber remained there about ten minutes after he got up before he
started off, during that ten minutes Weber called out and talked as though
he was stupified and did not know what he was saying, Miller
did not strike him while he was standing there he kicked him with
his foot, he kicked him the first time in the side and the second time
on the thigh and told him he had better leave and get away as quick
as they could, after Weber was knocked down and while he was lying
on the ground Miller stomped him with his foot, before she could get to him
to prevent him, this was before Weber got up, and immediately after Hale had
struck him the first lick, Miller stamped him in the side, Miller kicked
him once while he was down and once while he was standing up lean-
ing against the fence. The kick ^{in the side} hurt him so he can't not lay down,
Miller hit her on the head with the mallet during the fence, it was after
she interfered with Mr Hale when she heard that they were going to kill Weber
and when she saw Hale by the beard Hale was not whipping Weber at that
time. She interfered because Miller said kill him and Hale said get the ax and
she jumped at Hale and grabbed him to interfere.

It is his opinion from the appearance of the wound that there was danger of death ensuing, there was danger of inflammation because he saw this from his eye, by the dilatation of the pupil of the eye, a wound of this character sometimes causes death after a lapse of some time. Weber is entirely over danger now, the treatment he gave him was to prevent inflammation. The open wound he did not consider dangerous. The wound on the side of the head was just over the temple.

Cross examined, He cannot tell from outward examination of the head whether the mind is impaired or not, judged by his pulse, by his general appearance by his talk and by the situation of the wound, ~~where there is concuss~~ can not tell by the pulse alone whether the mind is impaired or not. His opinion as to the situation of Weber & extent of his injuries was not principally made up on account of Weber's actions & talk, my opinion was formed by his general appearance from the way he talked the way he acted and by judging about the part of the brain where the blow was inflicted. The wound was about 2 1/2 inches above the zygoma bone, commonly called the yoke, the blow was not in the most dangerous place. The most dangerous place is on the temple, on account of the skull being weaker at that point, and because there are some nerves there, the temporal nerve runs up above the temple. A blow two inches above the temple is not necessarily more dangerous than on any other part of the head. Death does not frequently ensue from concussion of the brain but often does. Continued the treatment of the wound ^{on top of head} for several days. It was a slight wound and much dressing was not necessary.

Dr. Gustave Stegman being sworn on part of the prosecution says His business is Physician & Surgeon has regularly visited a medical school was called upon to see Mr. A. Weber on the 30th day of December 1867 and afterwards He found Weber laying in the bed, his mind appeared to be impaired he could not speak coherently, Shaved his head and found one slightly lacerated wound on the right side of the head on the upper part and on the left side a contused wound no laceration of the skin, the one on the left side was the most dangerous it produced concussion of the brain, found signs of a blow received on the left elbow, that is all he found at that time, His mind was very much affected at that time, He was for several days in a dangerous condition, Concussion of the brain is some times very dangerous under certain circumstances, can not always tell what will be the result afterwards for months or years, on the 3rd or 4th day he was not able to sit up tried to make him sit up but he broke down, at that time he did not rally from the shock received from the concussion of the brain, His speech is still incoherent to this day his intellectual faculties are impaired yet in consequence of the blow on the left side of the head The wound on the side of the head was the most dangerous the wound where the laceration of the skin was was not so dangerous, the wound on the left side was about 2 1/2 inches in length & 1 inch wide it was swelled a half inch in height he did not probe that wound, The heavy blow on the out side of the head produced a jarring of the brain,

during fight. I saw no blood on ground
of fight. I looked, dont know what
became of stick, stick was lying
at gate 12 an hour after fight. I
know the stick, because I saw it
out of the window. Weber walked
away after being struck and Mrs.
Weber caught up with him, They
left the wagon. John Miller turned
wagon and started it on after
them.

Re examination
I am 16 years of age. I never
was sworn in court before this.
attest Cook & Power Kirk ^{his} & Chell
Justices of the peace mark

Mrs. Amelia Weber, - Being recalled, says
I saw no body standing on Mr. Miller's
porch while the fight of Hale against Weber
was going on. After the fight was over
I said Mrs. Miller standing on the porch
- When Mr. Miller called the dogs, Mr. Mil-
ler came on the porch, & this was when
the fight was all over, & we started home,
+ - I dont know what Miller wanted

to Mr. Hail and caught hold of his
beard, Miller then did nothing and
was standing by the gate, Mr. Miller
did not pull Mrs. Weber away, by the
sleeve that I saw, if he did I did
not see it. While Mr. Weber was down
on the ground, I did not see Mr. Mil-
ler kick him. I swear positively
that Mr. Miller never kicked Mr. Weber,
When Mrs. Weber had hold of Mr. Hail's
beard, Miller was standing close to
the wagon, which was about 10 feet
from Mr. Hail and Mrs. Hail Weber. I
heard Weber holler, when down, for
Hail to quit striking him, and then
he quit, Weber then got up in about
a minute, Of Miller then said any-
thing I did not hear it. While Mr.
Weber was on the ground and Hail
struck him, John Miller did
not attempt to part them, I
did not go up to the place of fighting
because I had no business there.
When Weber was gone about 1/2 an
hour, I went to ^{the} house and told
Hail and Miller what I saw.
Mr. Miller had nothing in his hand
at the fight, he came in from feed-
ing his hogs. I heard nothing said

home,

brass examination by self.

I lived and worked with Mr. Miller, and large and much got with him, and I was shelling corn. When fight commenced I stopped and looked on, but did not go out of crib. I looked out of window, where they put corn in. The window was on the side next to the house. When Weber first drove up I heard nothing said. I saw Weber get out of the wagon, but did not see him roll any logs. I saw Mr. Hail strike Weber then. He Weber got out of the wagon opposite the house and then walked up about 10 steps. Mr. Hail then came up and spoke, but I don't know what he said, and then struck Weber, with a stick. Stick was about 3 feet long, and as big as a chair round. Hail struck Weber about 7 hits, before he ~~knocked him down~~ fell down, and then struck him yet a couple of hits. Mr. Miller was then standing outside of the gate. Mrs. Weber jumped out of the wagon, when Weber fell down. Mrs. Weber ran then to Mr. Weber, and said something, but I could not hear what it was. Then she ran

Kirk Hull being sworn, says,
I know Mr. Weber and John Miller, I
live with Mr. Miller, I saw Mr. Weber
at Mr. Miller's about the 30th of Decr. 67,
was present, when difficulty occurred be-
tween ~~Mr.~~ Mr. Keel & Mr. Weber, saw We-
ber come up lane in a wagon, I was then
in a barn crib, same is short distance
from house, and is litle on one side
of the house. When I went from house
towards corn crib, I went in direc-
tion of Mr. Weber, between corn crib
and house there is the lane, I was
in barn crib when difficulty occurred,
I saw beginning thereof, saw all of it,
saw John Miller, John Miller did noth-
ing to Mr. Weber, ^{did he anything to} nor ^{to} Mrs. Weber,
and I did not hear John Miller say
anything during the difficulty. I was
about 25 or 30 feet from place of dif-
ficulty. I saw Mr. Weber start off,
he went towards his barn down the
lane, he walked by himself, nobody
assisted him. I saw Weber when
he got ~~to~~ to far end of the lane,
he stopped till wagon came up.
Mrs. Weber then stopped the wagon and
Mr. Weber got into it. Weber went
in by himself, then they drove towards

He judged Weber's faculties to be impaired partly from the
inflation of the pupil of the eye, the pupil of the eye is
dilated by concussion of the brain Weber's eye was dilated
when he first saw him. The eye is insensible to the light in
such cases. Weber's eye was insensible to the light. Dr
Adair was there on the 2nd day of January we were both
there together, on that day his eye I believe was a
little expanded, I think I called Dr Adair's attention
to the fact, Dr Adair opened the door when I called
his attention to this fact, I believe when the door was opened
the pupil of the eye contracted some, where concussion
is sufficiently severe to endanger life a man can so far
recover in 7 days as to be able to sit up and walk
a few steps, I came ~~to~~ ^{sup} Mr. Williams on the 4th day
after ~~January~~ and told them that Weber was out of danger,
I considered him out of danger on the 6th day after injury.
I think I stated on the 2nd day of January at Mr. Williams' house that
there was no danger of Weber dying. I stated to Mr. Williams
on the third day of January that Weber was very dangerous, I had
heard that Weber was getting worse and told Mr. Williams that
Weber was in a dangerous condition, I stated to him that Weber
was dangerous & I wanted Dr. Carr, to have a consultation, because
I had heard that Weber was worse, I do not recollect that
I told Mr. Williams that I heard Weber was worse, I do not
recollect having told Mr. Williams that Mr. Weber ^{brain} was very dan-
gerously injured & that if he got over it it was doubtful whether
he lived long or not, The conversation with Mr. Williams was
the day after, I had the conversation at Mrs. Williams

on the first day of January I think I told Mr Hale that I
thought it was not necessary for Dr Adair to go to see
Weber, I said I would prefer having Dr Carr but,
Mr Hale saying Dr Carr was too far away I consented to
having Dr Adair, Weber pretending to not be in his
right mind after several days was partly assumed,
on the first day it was not but after 4 or 5 days he
he pretended to be worse than he really was, On the
2nd day of January Weber was not entirely in his right mind,
He was not entirely sensible on that day of what was
going on around him, he knew some things, a man
laboring under concussion of the brain will know
some things that are going on and others he will not
know, on account of the effect on the different nerves,
When a man receives a concussion of the brain
he will some times fall down insensible he may
rally again after while, and regain his mental
faculties partially or wholly, a man could receive
a concussion of the brain so as to be dangerous and
a bye stander not observe it for 20 minutes afterwards
The danger had mostly passed the day that Dr Adair
was there, The day I was going to bleed him he
did not seem to comprehend what was being done,
This was the day Dr Adair was there.

My reason for preferring Dr Carr to Dr Adair was
because I considered him a better Physician & could
do more good.

attest Cook & Power G. Stegmann
Justices of the peace

Dr W. P. Adair being sworn in Part of Deft, says
that he is a Physician by profession has been practicing and
since for 20 years, was called on by Mr. Williams on the 1st
day of January to go and see August Weber on 2nd of January
went with Dr. Stegman to see A. Weber, when we got to Weber
Weber was laying in bed with face towards the door, covered
with two feather bed tick Dr. Stegman went in first when
I came in he asked me to examine Weber's pulse I did
so and found it about 80 to the minute, full & round,
Dr. Stegman put his hand on the left side of the head just above
the Temporal artery on the parietal bone & Weber flinched
as if it hurt him, after the Dr. went away I put my hand
on Weber's head & felt it all over & it was hard and he did not
flinch from it. Weber acted as if he was either foolish or
sorely & apparently had no sense about him, Dr. Stegman said
he would take a few ounces of blood from Weber & with assistance of
a man present (not known to the witness) and a woman supposed
to be Mrs. Weber, took him up and set him on a chair with
his left side to the door, I think the western door, he had on
no clothes but shirt & pants, and when he went to get up the
woman put a pair of socks on his feet, they went to get a stick
to put in Weber's hand for him to hold while they bled him, and
left the door open, the wind blew on him and he motioned with
his hand for them to shut the door, I went then and took him
by the hand & felt his pulse he had become cold his skin was
covered by what is commonly called goose flesh, I told
Dr. S. that the way Weber's pulse was then it did not indicate the
necessity of bleeding & I would not bleed him if I were in
his place, Weber began to gag as if he wished to puke, I took time then
to examine the head & location of wounds on his head, he was bound
on the top of his head, on left side of head & on one of his arms, the
bruise on top of head was about five inches long & on left side of head

not more than 3 inches long, the skin on top of his head appeared as if it had been abraded & had been bleeding though it had no dressing on it, there are on the human head, three coverings or skins, I am not positive whether the skin on the top of the head had been cut or not, the wounds were evidently made with a dull instrument from no incision being made, the outside skin is called the cuticle if the cuticle is broken without the other skin being cut it will bleed not in a stream but ooze out, I did not examine the wound on the top of the head particularly to see if the skin had been cut for I did not consider that wound of any consequence or that any danger would accrue therefrom, If all the skins are cut through, on top of head the wound will bleed freely it might not bleed freely immediately the shock given might prevent it for a while but soon as the man commences moving the bleeding will commence, I don't think the skin on the side of the head was cut at all, and the bruise was not so bad as on the top of the head, that on top of the head appeared to be considerably bruised, but not much swelled, I presume the wound had swelled but had assuaged on account of applications in some cases swelling will go down in three days most generally not, if it was merely bruised it would not want any applications except, to be kept warm & moist, I saw no pickers but his trying to fake after being taken out of the bed I am satisfied that was on account of being exposed to the cold, I saw no signs of concussion of the brain on that day, If a man receives a concussion of the brain & differs to cause death he would not be out of danger in 6 or 7 days & no physician would consider one out of danger even though he were up and going about, If a man receives a blow on the head which results in Concussion of the brain, the effects are produced immediately, he is deprived of voluntary motion, the iris of the eye is expanded & its utmost making the pupil of the eye very large ^{not reacting to the light,} ~~the other general causes, &c.~~

Dr Hegmann being further questioned said that the
actions were so serious that a person ought receiving such severe
wounds not know how much to attribute to his peculiarities or how
much to attribute to his injuries & that he claims this

He is not sensible to any heat or cold, when a man receives concussion of the brain he falls the whole nervous system is for the time being destroyed but this may last only for an instant and he may get up before the concussion is removed and walk,

~~Before man~~ Brain is under the influence of concussion he
If concussion remains until inflammation ensues the pupil of the eye will contract & remain contracted still insensible to the light from severe concussions of the brain a man may lay in a state of stupor until he dies, a man's eye will not expand & contract under influence of light when the patient is laboring under concussion of the brain, After we put Weber to bed a profuse sweat broke out on him and though he were sick Dr Stegman remarked that his eye was expanded, I stepped opened the door when the light fell on Weber's eye it contracted immediately, I could not tell whether Weber had previously been laboring under concussion of the brain or not he was not laboring under any such symptoms at that day, If he had received a concussion of the brain on the 30th of Dec, it could have been removed before I got there it might have been removed in an hour or two, Concussions of the brain do not as a general thing result in death, If proper treatment is given & the concussion not too violent the patient will generally get well as a general thing more recover than die, It is not possible to produce concussion of the brain by striking above the temple as lower down, because it is not so near the surface I did not consider Mr Weber dangerous, Weber appeared very foolish I could not tell whether he was positively or really hurt, Dr Stegman told me as we went that Weber was naturally such a fool that a person not knowing him would not know how much of his actions to attribute to the blow or how much to attribute to his natural foolishness, I did not consider the wounds were dangerous at all, I believe Weber would have got well if he had just been left alone if there were no other wounds but what I saw, I saw no wounds but of the scalp & skin

Cross examined, I saw no wounds but external wounds & I could have told them as well as first whether they were dangerous or not, I think the wound on the side was three inches long & 1 inch wide in the centre, it was merely a bruise, it was not swelled much at that time, it was blue, the bruise on his arm was of a yellowish green, I could not tell how violent a blow had caused the wound on ^{side of} the head it might have been a very light blow on the naked scalp, or a heavy blow if there had been any thing to protect it, I do not know whether the blow produced concussion of the brain or not, in every case I have seen of a person receiving a concussion of the brain the person falls immediately, a person might receive concussion of the brain fall, & get up again & die months afterwards, if a blow causes concussion of the brain the effect is shown immediately it may produce inflammation which will be shown days afterwards I could not judge on that day whether he had been in any danger or not, It might have produced inflammation after that & caused death I did not conclude that his brain was hurt sufficiently to cause any such results, He showed that he was sensitive to all extraneous circumstances I could not tell to a moral certainty whether his brain had received injuries sufficient to cause inflammation or not, I saw no evidence of his brain being affected except his fall & his fall. It was my opinion that he was poisoning. When Mr. Weber of his friends sent for me, I went because Mr. ~~Stiles~~ ^{Stiles} requested me to go, & he paid me for going. A man may die from the concussion of the brain when the wound was much less than the wound on Weber. In looking at Weber's wound I could not tell whether there had been any rupture or lesion of the brain or not I saw no symptoms of it.

The State of Missouri } Before William Cook, a
vs. } Justice of the Peace within & for
Amelia Weber } Jefferson County Missouri,
Prosecution for perjury.

The Prosecutor offers in the evidence the testimony or examination of the defendant Amelia Weber as taken down, sworn to, and subscribed by said Amelia Weber, before said William Cook, Justice of the Peace as aforesaid, on the 14th day of January 1868, on the trial of the State of Missouri against John W. A. Miller on a Charge for a felonious assault, wounding and doing great bodily injury to the person of August Weber, and which Affidavit & examination so sworn to & subscribed is as follows, To wit:

3438
Depositions in the
Case of the State

vs

A. Wade

J. M. A. Miller

Filed July 7 1868

E. A. Mearns Clerk

W. B. H. H. H. H.

W. H. Dugan
Foreman

The grand jury agree.
that the Prosecutor
in this case pay
the cost

H. T. Dugan

Foreman