

No. 12928

Supreme Court of Illinois

Spaids

vs.

Cameron

71641  7

STATE OF ILLINOIS, }
SUPREME COURT, }

ss. The People of the State of Illinois,
TO THE SHERIFF OF THE COUNTY OF Cook

GREETING:

BECAUSE, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Cook county, before the Judge thereof, between Charles S. Cameron

plaintiff and Channey D. Spaid

defendant, it is said that manifest error hath intervened, to the injury of the said

Channey D. Spaid

as we are informed by his complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; THEREFORE, WE COMMAND YOU, that by good and lawful men of your county, you give notice to the said Charles S.

Cameron

that he be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the ~~Tuesday~~ ^{Wednesday} ~~Monday~~ in April A.D. 1857, ~~next~~, to hear the records and proceedings aforesaid, and the errors assigned, if he shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Charles S. Cameron notice, together with this writ.

WITNESS, The Hon. WALTER B. SCATES, Chief Justice of our said Court, and the Seal thereof at Ottawa, this 10th day of April in the Year of Our Lord One Thousand Eight Hundred and Fifty-Seven.

S. Leland

Clerk of the Supreme Court.

By J. B. Rice Deputy

150⁰⁰ ^{4.00}
Chamney D. Spauld

vs

Charles S. Cameron

Scire Facias

Served by reading to the
within named Charles
S. Cameron this 18th day
of April 1857

Pd by Pltff Service 50
Att'y 1 Retain 10
65

John L. Wilson Pltff
By George H. Ketchum

Filed May 2, 1857
L. Leland
Clerk



STATE OF ILLINOIS, }
SUPREME COURT, ss.

The People of the State of Illinois,
TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF *Cook* GREETING:

BECAUSE, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of *Cook* County, before the Judge thereof, between *Charles J. Cameron*

plaintiff, and *Chauncey D Spaid*

defendant it is said manifest error hath intervened, to the injury of the aforesaid

Chauncey D Spaid as we are informed by *his* complaint, and we being willing that error should be corrected if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the *third Tuesday in April A.D. 1887*, ~~next~~, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, The Hon. WALTER B. SCATES, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *10th* day of *April* in the Year of Our Lord One Thousand Eight Hundred and Fifty-*Seven*



L. Leland
Clerk of the Supreme Court.
By J. B. Rice Deputy

78
Pharmacy & Spices
vs
Charles S. Cameron
Writ of Error

Filed April 10, 1857
S. Leland
Clerk



State of
Illinois

In the Supreme Court 3^d Grand Division
April Term 1857.

Chauncey D Spaid vs Peff in Error

vs

Charles S Cameron Deft in Error

} Error to Cook
Co low Court

And now comes the Plaintiff in error by P Ballingall his attorney and says that in the record and proceedings aforesaid there is manifest error to his prejudice in this to wit:

1st The Court erred in overruling the several objections ^{of Defendant below} to the following questions asked the Witness Gilbert viz: "Were any expressions of pain made by Cameron at the time that the blow was struck?"

"Do you know whether at this time Mr Cameron had a lame ankle? and in permitting the answers to each to go to the jury."

2^d The Court erred in permitting the ^{question to} ~~answer~~ of the Witness Root, "whether Plaintiff was lame at the time?"; to be asked and answered.

3^d Court erred in sustaining objection of Peff below to the question to D Wolf by Deft below as to "what was the result of the prosecution for assault & battery?"

4th Court erred in overruling the several objections of Deft below to the questions asked by Peff below of the witness John Mc Wilson; and in allowing the answers to go to the jury.
5th Court erred in refusing to exclude from the jury the testimony of said witness;

6th Court erred in overruling the several objections of Deft below to the several questions asked by Peff below of the witness Scoville; and in allowing the answers to go to the jury

7th Court erred in refusing to exclude from the jury the testimony of said witness

8th Court erred in giving each of the Instructions on the part of Peff below

9th Court erred in refusing to give 1st Instruction asked for by Deft below

10th Court erred in giving that instruction as ~~modified~~ ^{qualified} by the Court.

11th Court erred in refusing to give 3rd instruction asked for by Deft below.

12th Court erred in giving that instruction as qualified by the Court

13th Court erred in refusing to give the 4th & 5th instructions asked for by Deft below;

C. D. Spence
in error
as

C. S. Cameron
Deft in error

assignment of
error

Filed April 10, 1857,
S. Leland
Clerk

State of Illinois vs.

In the Supreme Court 3^d Grand Division
April Term 1857.

Chauncey D. Spaid vs. Peffermeyer

vs

Charles S. Cameron Defendant

} error to present Court
of Cook County

The Clerk will please
refer to the above cause to Cook
County.

J. W. Ballingale
att'y for Peffermeyer

10th April 1857.

C D Sparks Off
in error
as

C S Cameron
Dept in error

Pres

Filed April 10, 1857
S. Leland
Clerk

1
State of Illinois,
County of Cook ss.

Pleas before the Honorable
George Manierre, Judge of the Seventh Judicial
Circuit of the State of Illinois, and pre-
siding Judge of the Circuit Court of the County
of Cook, in said Circuit, at a term of said
Court begun and held at the Court House
in Chicago, in said County, on the first Mon-
day (being the fifth day) of May, in the year
of our Lord, one thousand, eight hundred
and fifty-six, and of the Independence of
the United States, the Eightieth—

Present His Honor, George Manierre, Judge 7th
Judicial Court—

Daniel McIlroy, States Attorney—

James S. Beach, Coroner Ex Officio, Acting Sheriff—

Attest—

Louis D. Hoard, Clerk—

Court opened by Proclamation—

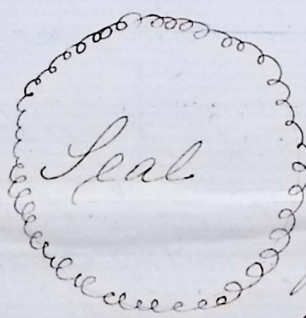
Be it known that heretofore to wit,
on the Twenty-second day of March in the
year of Our Lord one thousand, eight hundred
and fifty-six, there was issued out of the
office of the Clerk of the Cook County Cir-
cuit Court, and directed to the Sheriff of
said Cook County, the Peoples writ of sum-

mons, clothed in the words and figures,
following, to wit,

State of Illinois
County of Cook } ss.

The People of the State of Illinois, to
The Sheriff of said County, Greeting:

We command you that you summon Chauncey D. Spaid, if he shall be found in your County, personally to be and appear before the Circuit Court of Cook County, on the first day of the next term thereof, to be holden at the Court House, in Chicago, in said County, on the first Monday of May next, to answer unto Charles S. Cameron, in a plea of Trespass, to the damage of the said Plaintiff as is said, in the sum of Five Thousand Dollars. And have you then and there this writ, with an endorsement thereon, in what manner you shall have executed the same.



Witness, Louis D. Hoard,
Clerk of our said Court, and
the seal thereof, at Chicago a-
foresaid, this twenty-second day
of March A.D. 1856.

L. D. Hoard - Clerk

Said summons was afterwards returned

3
with the following endorsement thereon
to wit—

Served by reading to the within named
Chauncey D. Spaid, the twenty seventh day
of March. 1886.

Fees— 1 Service — 50

1 Mile 5

1 Return. 10 \$ 0. 65.

James S. Beach, Coroner and Ex. Officio
Acting Sheriff.

By J. M. Snow, Deputy—

~~Arthur W. Win~~ Arthur W. Win

And afterwards to wit, on the fourteenth
day of April, in the year last aforesaid,
there was filed in the Office of the Clerk of
the Court aforesaid, a certain written declar-
ation, which is in the words and figures
following, to wit—

State of Illinois
Cook County } ss.

Circuit Court of Cook
County— April Special
Term— A. D. 1886.

Charles S. Cameron of Chicago, in the County
of Cook, and State of Illinois, Plaintiff in
this suit, by his Attorney Arthur W. Win

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dett, complains of Chauncey D. Spaulds, Defen-
dant in this suit, of a Plea of Trespass To-
that the said Defendant, on or about the
Fifteenth day of March, in the year of our
Lord, one thousand eight hundred and fifty-
six, at Chicago, in the County and State
aforesaid, while the said Plaintiff was
giving in his testimony, in a cause of arbitra-
tion before James P. Root Esq. an arbitra-
tor duly appointed in said Cause, at the
office of the said James P. Root, in the
City, County and State aforesaid, the
Plaintiff being then and there upon the
stand testifying under oath in the cause,
as aforesaid, the said Defendant came
up to, and with force and arms assault-
ed the said Plaintiff, ^{striking} ~~striking~~ him, the
said Plaintiff, a full blow in the face,
with his Defendant's fist, with great force
and violence, knocking him, the said Plain-
tiff, down, and stunning him to such an
extent, as to render him insensible, and
by the force of which, some of the teeth of
the said Plaintiff, were loosened, and by
the force of which blow so given, as aforesaid,
by the said Defendant, the said
Plaintiff fell upon the ground, jamming
and greatly injuring him, the said Plain-

tiff, by means of which, he, the said Plaintiff, became sick, the said Plaintiff having a short time before, broken his, said Plaintiff's ankle, and being at the same time scarcely able to walk, of which the said Defendant well knew— By means of which said several premises, the said Plaintiff was then and there greatly hurt, bruised and wounded, and became and was kept sick, sore and lame, and disordered, and ^{\$800} remained, and continued for a long space of time, to wit, for the space of two weeks, during all which time, the said Plaintiff thereby suffered, and underwent great pain, and was hindered and prevented from performing and transacting his necessary affairs and business, by him, during that time, to be performed and transacted, and also thereby, the said Plaintiff was forced, and obliged to, and did necessarily pay, and lay out and expend, a large sum of money— To wit, the sum of one hundred dollars of lawful money, in and about endeavoring to be cured of the bruises, wounds, sickness, soreness, lameness, and disorder aforesaid, occasioned as aforesaid— to wit, at the County aforesaid, and also, for that the said Defendant on

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the day and year aforesaid, with force and arms at Chicago aforesaid, in the County aforesaid, and State aforesaid, made another assault upon the said Plaintiff; To wit, at Chicago aforesaid, in the County aforesaid, and State aforesaid, and then and there again beat, bruised, wounded and ill-treated him, the said Plaintiff, and other wrongs to him, the said Plaintiff, then and there did, to the great damage of the said Plaintiff, and against the Peace and dignity of the People of the State of Illinois, therefore the said Plaintiff saith that he is injured, and hath sustained damage to the amount of Five Thousand Dollars, and therefore brings his suit by

Arthur W. Wendell
Plaintiff's Attorney—

And afterwards to wit, on the twenty-sixth day of April, in the year last aforesaid, there was filed in the office of said Clerk, a certain Plea, which is in the words and figures following, to wit—

7
Circuit Court of Cook County—

Chauncey D. Spaid }
Eds } Trespas—
Charles S. Cameron }

And the said Defendant
by J. W. Young, his Attorney, comes and de-
fends the force and injury where &c. and
says that he is not guilty of the said sup-
posed Trespas above laid to his charge,
or any or either of them, or any part there-
of, in manner and form, as the said
Plaintiff hath above thereof complained
against him. And of this the said
Defendant puts himself upon the Country—

J. W. Young—
Atty for Deft—

And the said Plaintiff doth the like—
Arthur W. Windett

April 24. 1836.

And afterwards, to wit, on the twenty sixth
day of May, of said year, the same being one
of the days of the regular May Term of
said court, for the year ^{A.D.} 1836. the following

proceedings among others, were had in said Court, and entered of Record, in this cause, to wit -

933 Charles S. Cameron } the
vs } Trespas- the
Chauncy D. Spaulds }

This day come the said parties by their respective Attorneys, and issue being joined in this cause, It is ordered that a jury come, whereupon come the jurors of a jury of good and lawful men, to wit,

B. Packard	B. F. McCarthy.	Charles Nelson.
Geo. W. Crammis	L. R. Osborne	John Little
Moses G. Pratt	G. I. Abby	Walter E. King
John Toben	A. Stoen	Leth Taylor

who being duly elected, tried and sworn, well and truly to try the issue joined and now in hearing before the Court and Jury, and a true verdict render according to law and the evidence, after hearing the testimony adduced arguments of counsel and instructions of the Court, retire under charge of an officer of the Court, to consider of their verdict, and afterwards come into Court and say we, the Jury, find the Defendant guilty in manner and form as is alleged against him, and we assent

pt
after

the Plaintiff damages at Four hundred dollars—

And thereupon the said Defendant by his counsel, enters herein his motion for a new trial of this cause—

And afterwards to wit, on the 27th day of the month and year last aforesaid, it being as yet of the said May term of said Court, the following further proceedings were had and entered of record in said Cause among other things in said Court to wit—

933. Charles S. Cameron }
 as }
 Chauncey D. Spaid } Trespass

This day again come the said parties by their respective Attorneys, and the Court being now fully advised on the motion of the said Defendant entered herein at a former day of the present term of this Court for a new trial of this cause. It is Ordered that said motion be, and the same hereby is overruled, to which ruling of the Court, the defendant by his counsel, excepts, Therefore it is considered that said

Plaintiff do have and recover of the said defendant his damages of Four hundred dollars in form by the jury aforesaid assessed, together with his costs and charges by him in this behalf expended, and have execution therefor. and it is further ordered that the defendant have until Saturday of next week, to file his bill of exceptions in this cause—

And afterwards to wit: on the 1st day of June, in the year last aforesaid, the said defendant, filed in the office of the clerk of the court aforesaid, his certain Bill of Exceptions in said cause, which is in the words and figures following to wit—

Of the May Term of the Cook County
Circuit Court A.D. 1856.

Chauncey D. Spraid }
vs } Trespas.
Charles S. Cameron }

Be it remembered that in the trial of this cause, the Plaintiff to prove the issue, in his part called the following witnesses, namely, T. S. Gilbert, James P. Root,

11
and Henry Frink, who were severally sworn,
and testified, as follows

J. S. Gilbert - Does not recollect the time of an arbitration between Plaintiff and Defendant - It was in April or March - Thinks April - Has no recollection as to time - It was this Spring at Mr. Root's office. Saw a blow inflicted there by Mr. Spaid on Mr. Cameron, while the arbitration was going on - Mr. Root was acting as arbitrator under a submission signed by the parties - Mr. Cameron was sworn himself as a witness - and Mr. Spaid was also sworn - Cameron testified to the items in his account - they were for services as Attorney at Law for Spaid - Spaid also testified, and during Spaid's testimony, he (Spaid) stated that there was a certain suit of his lost by the negligence, in some or other cause, of Mr. Cameron - Mr. Cameron then testified again - some things had passed up and down between parties not very pleasant - Mr. Cameron took up his Bill, and stated that the reason why the suit was lost, was because the jury disbelieved the principal witness for Spaid - I insisted on Mr. Cameron stating who that witness was - but Cameron declined, but remarked that witness has been here on the stand - Mr. Spaid then struck Cameron

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a blow, and knocked him down - It was a pretty good pop - struck him with his clenched fist - struck him about here, (the witness placed his hand on the right jaw) Cameron staggered from ~~there~~ ^{three to four} feet - Mr. Frink and I picked him up - He appeared not to be conscious - we placed him in a chair, and Spaid's approached him in a threatening manner, and Cameron picked up a cane, and Mr. Frink took it away from him - Blood came from Cameron's nose at the time, and his face was swollen afterwards - The Counsel for the Plaintiff then asked the witness this question - "were any ^{expressions of pain} ~~complaints~~ made by Cameron at the time that the ^{blow} was struck, ~~as to the painful effects of the blow?~~ To which question the Counsel for the defendant then and there objected, but the Court overruled the objection, and the Defendant then and there excepted - and the witness then answered, "Cameron ^{complained} ~~made complaints~~ of a good deal of pain about the mouth -

The Counsel for the Plaintiff then asked the witness, this question, "Do you know whether at this time Mr. Cameron had a lame ankle. to which question the defendant then and there objected, but the Court overruled the objection, and the defendant then and there

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expected - The witness answered - "Cameron
 " had a dislocated ankle - received it in Feb-
 " ruary - a dislocation or fracture of a bone of
 " the ankle - Cameron was disabled by this
 " dislocation of his ankle, at the time of the
 " assault - He was quite lame at that time -
 Spaid was familiar with Cameron before
 that time - Witness knew Spaid very well -
 Spaid is regarded as a gentleman of abili-
 ty to pay -

On cross examination, witness said: I have
 formerly been a partner of Mr. Cameron, as
 Attorneys at Law - dissolved partnership last
 January - Cameron stated that the prin-
 cipal witness in that case, was discredited
 by the jury - I knew who Cameron meant
 as the principal witness - It was a son of
 Mr. Spaid - Spaid did not tell Cameron
 not to use such language - Spaid had
 stated that the case was lost through
 Cameron's negligence, and I used the words
 "in some other cause" - When Cameron picked
 up the case, he seemed to be wandering,
 and I have no doubt he did not know
 what he was doing - after the blow, there
 was no more testimony, Spaid resorted
 arbitration next day -

13

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 arbitration next day -

Cameron made complaint before Justice D'Wolf next day — or the day after that, I don't recollect which — I was with him — Don't know whether Cameron was lame next day — Spaid's was a day and a half under examination by Mr. Cameron — Mr. Spaid's had no attorney — Cameron acted for himself — I was a spectator — I think Spaid's did not charge that the suit at Follet was lost by Cameron's being drunk there — Mr. Spaid's was excited all through — Cameron kept down his excitement pretty well during the repartees — I had cautioned Cameron the night before — On re-examination the Witness stated that his opinion was that the case was the "Cooper case" that Spaid's charged Cameron with being drunk at — Spaid's had aggravated Cameron, and Cameron had aggravated Spaid's —

James S. Root The arbitration was held on 13th March last before me at my office — It was for fees to Mr. Cameron as Lawyer for Spaid's — also to Cameron & Tracy and Gilbert — Cameron & Gilbert — the matters were referred to me by agreement — I was to fix the value of the services without hearing testimony on that part of the case —

Cameron was first sworn and testified

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He took up his Bill and went through it item by item — Spaid claimed that there was an agreement that Cameron was to be paid by the year — Spaid testified — Spaid gave some testimony about the Cooper case, and words passed between them — Spaid had stated that he lost that case, ^{because} ~~and~~ Cameron was drunk — Mr. Cameron testified again, and had down to the Cooper case, item — He was explaining how the case was lost — Mr. Cameron stated that the case was lost, because the jury discredited the principal witness in that case — Cameron declined to name the witness — Spaid told him to stop — Cameron stated that that witness had been here on the stand — then Spaid struck him and knocked him down — struck him somewhere about the mouth — it was of sufficient force to knock him down — Spaid sat a little fronting Cameron — Cameron staggered three or four feet, and fell — Cameron was senseless about half a minute after he fell — Gilbert helped him to a chair — When in the chair, Cameron reached out and got a cane, and laid it across his lap — Spaid advanced and took hold of it, and Spaid said he had not had satisfaction enough yet, and that if Cameron did not take

case what he said, he would ~~have~~ hit him again—Prink interfered and Spaid did not hit him again—The head of the cane came off, and, I think, remained in Cameron's hands—Spaid said what a man ordinarily ^{In answer to question whether plaintiff was lame at the time, witness says} would under a state of excitement—think Cameron was limping that day (whether he limped that day objected to by defendant—Court overruled the objection, and Defendant then and there excepted)

On Cross examination Witness stated that Spaid had no Attorney—that the son of Spaid is twenty one or twenty-two years of age—both parties were more or less excited—there was only the one blow struck—it did not occur to me who Cameron meant when he stated that the jury discredited Spaid's principal witness—

On re-examination—Witness stated that the whole thing was done instantly—

Henry Prink testified that he was present at the time spoken of—Mr. Cameron, when he testified, stated that the reason why Spaid was defeated in the Cooper Case, was that the jury disbelieved or discredited.

17. - the principal Witness, or that he had sworn false - Spaid told Cameron once or twice not to repeat that - Mr. Gilbert then intervened, and pressed Mr. Cameron to name the Witness - but Mr. Cameron said he would not name him, but that he had testified here on that stand - saw Spaid then strike Cameron - Cameron staggered and fell - I do not remember that Cameron was unconscious - His lip was a little swollen - Cameron's bodily health was good, except from an injury of one of his ankles, The Defendant's Counsel ^{here} had objected to this testimony going to the jury, but the Court overruled the objection, and the Defendant then and there excepted - and the Witness went on to state that Cameron limped with that leg, and walked with a cane - Knows Mr. Spaid - He is a wood-dealer and vessel owner - understands he claims lands, but whether he is the owner, I don't know -

On Cross examination - Witness stated that he knew to whom Mr. Cameron alluded, in his remarks about Spaid principal Witness - It was Mr. Spaid's son -

* And the Court thereupon excludes from this jury all statements of witnesses as to what
 was taken place before the Justice so far as relates to the imposition of a fine upon defendant
 in the criminal prosecution

The Defendant then called
 Calvin D'Wolf — who testified that he is
 a Justice of the Peace for the South town
 of Chicago — That Mr. Cameron came before
 him on 13th day of last March and com-
 plained of Mr. Spaid for an assault & Bat-
 ter upon him — That at that time he did
~~think~~ not observe anything peculiar in Cam-
 eron's countenance — Thinks if it had been
 disfigured or swollen, he would have observed
 it — The Counsel for the Defendant then
 asked whether Cameron appeared before
 him and testified upon ~~that~~ the hearing
 of that Complaint for assault & Battery — To
 which the Plaintiff objected — and the Court
~~sustained~~ ^{overruled} the objection — and the ^{plaintiff} ~~Defendant~~
 then and there excepted — The Defendant
 then asked the witness what was the result
 of that prosecution for assault & Battery, to
 which the Plaintiff objected — and the Court
 sustained the objection — and the Defendant
 then and there excepted *

James P. Root testified — That he was the
 Arbitrator in the arbitration referred to — it
 was the value of the service alone that was

19 submitted to me - Spraid's alleged that the charges were exorbitant - both parties departed from the rules - both were considerably excited - all kind of charges were made by ^{that} one against the other -

On cross-examination - he stated that Spraid's had accused Cameron with having lost a case, from being intoxicated -

The Plaintiff then called John M. Wilson - testified that he was Judge of the Cook County Court of Common Pleas - The Plaintiff's Counsel then asked the Witness whether he remembered the case of Spraid's vs Cooper being tried before him? to which question the Defendant then and there objected - but the Court overruled the objection - and the Defendant then and there excepted - the Witness then stated that he did, and that it was twice tried - The Plaintiff then asked who were the Counsel engaged in the cause, to which the Defendant then and there objected - but the Court overruled the ~~ex~~ objection, and the Defendant then and there excepted - The Witness then stated that Cameron tried the cause for Mr. Spraid's, assisted by Mr.

Winston and Mr. Prink— and Mr. Goodrich tried the case for Cooper— The Plaintiff then asked, what was the nature of the suit? To which the Defendant then and there objected, but the Court ^{sustained} ~~overruled~~ the objection, and the ~~defendant~~ ^{plaintiff} then and there excepted, and the Witness stated that the suit was on a Contract for Wood— that the main Witness was a son of Mr. Spaid— that the case involved the Contract, and the payments under it— There were two trials— one in favor of Spaid, the last against him— There was evidence on the second trial for the purpose of impeaching or discrediting Mr. Spaid's son— To all which the Defendant again objected— and asked the Court to exclude the whole from the jury, but the Court refused to do so— and the Defendant then and there excepted—

On cross examination he testified that his best recollection was that the first trial was in favor of Spaid, but that he might be mistaken—

The Plaintiff then called Mr. Seville— who testified as follows— namely, The Plaintiff asked this question— Were you present at the trial in the Common

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Pleas between Spaid & Cooper - To which the Defendant then and there objected, and the Court overruled the objection, and the Defendant then and there excepted - the witness answered that he was - The Plaintiff then asked whether Mr Spaid's son testified on that trial, and if so, whether there was evidence introduced to impeach him - Then defendant objected then and there to that question, but the Court overruled the objection, and the Defendant then and there excepted - and the witness answered that Spaid's son was the principal witness in the case - that there was evidence introduced impeaching and discrediting the testimony of Mr. Spaid's son, and that he (the witness) was one of the witnesses - To all which the Defendant again objected, and asked the Court to exclude it from the jury, but the Court refused to do so, and the Defendant then and there excepted -

And this was all the testimony given in the cause on either side -

The Court then gave the following instructions on the part of the Plaintiff -

" There is no evidence before the
 " jury as to any criminal ~~presence~~ prosecution
 of the defendant before Esq D'Core, or any

" other magistrate - and the jury should
 " exclude all comments of the Defendants
 " Counsel upon that point, from their consid-
 " eration, in estimating the amount of dam-
 " ages - To the giving of which instruction, the
 " defendant then and there excepted -

" 2nd " The jury should not consider
 " any words whatever that Cameron may have
 " spoken at the time when he in justifica-
 " tion of the acts of Spaid - no language can
 " justify an assault & Battery - To the giving of
 " which instruction the defendant then
 " and there excepted -

" 3rd " If the jury shall believe
 " from the evidence that the defendant
 " made an unprovoked assault upon the
 " Plaintiff, and beat him, the Plaintiff is
 " entitled to recover such damages as the jury
 " shall find he has sustained from such as-
 " sault - and in estimating such damages,
 " the jury may take into consideration all the
 " circumstances attending the transaction
 " given in evidence - and the words used -
 " as also the pain, anguish, and disgrace
 " which he may have suffered, if any, from
 " by reason of such assault and beating - and

23 " in fixing the amount, the jury may also
 " take into consideration the pecuniary circum-
 " stances of the defendant - To the giving of
 " which instruction, the defendant then
 " and there excepted -

The defendant then asked the Court
 to give this instruction 1st - "If the jury shall,
 " from the evidence, find the Plaintiff entitled
 " to any damages, the fact that the Plaintiff
 " is an Attorney at Law, ought not to be weigh-
 " ed in estimating such damages" which
 instruction the Court refused to give, and
 the defendant then and there excepted
 to such refusal -

And the Court thereupon, gave
 from itself this instruction - "If the jury
 " shall from the evidence, find the Plaintiff
 " entitled to any damages, the fact that the
 " Plaintiff is an Attorney at Law, ought not
 " by itself to be weighed in estimating such
 " damages, unless the jury shall find from
 " the evidence, that words were used by
 " the defendant at the time of the alleged
 " assault, which are shown to have been false,
 " and injurious to the Plaintiff in his pro-
 " fessional character, and accompanied the

" assault—" To the giving of which instruction, the defendant then and there excepted—

2nd The Court then gave, at the request of the defendant, the following instruction— "If the jury shall believe from the evidence that the blow struck by the defendant was struck in the heat of passion caused by opprobrious words spoken immediately previous by the Plaintiff, then these are matters to be taken into consideration by the jury, in mitigation of any damages they may find the Plaintiff entitled to—

The defendant asked the Court to give this instruction 3^d "If the jury shall believe from the evidence that the assault & Battery was committed by the defendant, but ^{that} at the time of its commission, and for some time previous, the defendant and Plaintiff were both highly excited, and that excommunications and recriminations had passed between them, these are circumstances to be considered by the jury in ~~estimation~~ estimating damages"— which the Court refused to give, and the defendant then and there excepted— But the Court gave the said instruction in this form—

25 " If the jury shall believe from the evidence,
 " that the assault & Battery was committed by
 " the defendant, but that at the time of
 " its commission, and for some time previous,
 " the defendant & Plaintiff were both highly
 " excited, and that criminations and recrimina-
 " tions ~~had passed~~ ^{had passed} mutually offensive, between
 " them, these are circumstances to be considered
 " by the jury in estimating damages—

To the giving of which instruction thus
 qualified, the defendant then and there
 excepted—

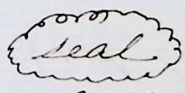
The defendant then asked the
 Court to give the following instructions—

That "If the jury shall believe from
 " the evidence that the defendant during the
 " arbitration, charged the Plaintiff with intox-
 " ication in managing a cause, such charge of
 " intoxication ought not to be taken into consid-
 " eration by the jury, and cannot be considered
 " by them in estimating damages—

"That if the jury shall believe
 " from the evidence, that Spaid, during the
 " arbitration, charged Cameron with having
 " been, on one occasion, intoxicated, in conduct-
 " ing as an Attorney, for him, a certain suit—
 " And if the jury shall believe from the

" evidence that after this, Cameron spoke
 " opprobrious and irritating words to the defen-
 " dant, of the son of the defendant, and that
 " thereupon, Sprids struck Cameron a blow,
 " then the jury cannot take into consideration,
 " in estimating damages for such blow, that
 " Sprids had previously accused Cameron of
 " intoxication, as aforesaid" Which said in-
 " structions the Court refused to give, or to give
 " other - to which refusal, the defendant then
 " and there excepted -

Whereupon the defendant prayed
 the Court to sign and seal this Bill
 of Exceptions, which is done in open
 Court, this day of ~~April~~ May A.D.
 1856.

Signed George Manning 
 Judge of the seventh Judicial
 Circuit of the State of Illinois

State of Illinois

Cook County ss. I Louis D. Hoard Clerk of the Cook
 County Circuit Court, do hereby Certify that the
 above foregoing is a true and perfect copy of all
 the papers filed, and proceeding had and entered
 of record in the above entitled cause as
 the same appears from the files & records

of said Court



In witness whereof I have
hereunto set my hand, and affixed
the seal of our said Court
at Chicago in said County
this sixth day of September
A.D. 1886

Clerk's fee for Record \$6.²⁰

L. D. Howard

Clerk of the Cook
County Circuit Court

Cook County Circuit Court

16 ~~78~~
Charles S. Cameron

40 20

Chauncey D. Spaid

Complete Record

P. Ballingall for Dep't.

Paid Dec 6th 20

Chauncey D. Spaid

vs
Charles S. Cameron

Transcript

Filed April 10, 1857

S. Leland
Clerk