

742

Robert E Barnett, state about that,

a About 100. 2 year old cattle on the trail in the herd,

q Who. - you & Mr Barnett?

a Yes. Mr Barnett & I, near the Hickman grove. & Mr Judah had a lot of Texas cattle in what he called his Hickman Groove pasture and on the west side of the former - of the pasture the fence runs through two large ponds that was close together - not more than 50 or 100 yards apart, and the fence runs right through the middle of the ponds. About the last week in June the water failed on the main herding ground, and the herder would let them come up where the ponds were to water, they continued to water there.

q At the same pond?

a At the same pond until this disease called Spanish fever made its appearance in the country there and after that we didn't let the cattle water there any longer.

q Now, state if these cattle were at

743.

any time driven in the trail, or went in the trail of these Texas cattle?

a Only once to my knowledge

q When was that?

a That was about the first days of September, we took them out of the herd they was in, and took them home & put them on the pasture and the day previous Mr Judah had moved his cattle, or some person had taken them out of the pasture, and put them a half a mile south on a lane running to the prairie, and the next day we brought our cattle back over the same lane, and took them north-east, home.

q Did any of your cattle become diseased, or infected from these Texas cattle of Mr Judah that were there?

Objected to as immaterial.

Objection overruled.

Exception by Plaintiff.

q You may now answer my question. It was whether your cattle became infected from these Texas cattle?

744

a No sir, they didn't.

q What time did Mr Judah bring those cattle into the country - do you know what time he brought them there?

a I saw them first there the first part of June - I couldn't say the day or the date.

q Do you know of your own knowledge - you needn't tell from hearsay - where these cattle were brought - what road they were brought on & that farm - in what direction?

a I don't know of my own knowledge.

q The first time you saw them was some time in June?

a Yes sir, in the first part.

Do you know of any body else having Texas cattle in the vicinity of Mr Sidell's during the summer of 1868? do you know of any in 1868 there?

a There was a lot of cattle that was kept in the latter part of that season about two miles and a half south of me - Texas cattle or, so-called.

745. Q Whoes were they?

A Johnson Ross,

Q Do you know of your own knowledge what time they were brought into the country?

A To the best of my recollection sir, it was in the fore part of July,

Q Do you know of your own knowledge where they were brought from, and what route they were driven down there?

A I cant answer that of my own knowledge,

Q Johnson Ross lives in Edgar Co, over the line?

A Yes sir,

Q In 1867, do you know of any Texas cattle being in the county?

A Yes sir, there was Texas cattle in my neighborhood in 1867,

Q Who had them?

A There was one lot owned by a gentleman by the name of Baum & the other by Johnson Ross,

Q What time were Mr Baums cattle brought into the country in 1867 - what time of the year?

A They were brought in the fall of 1866.

746

and wintered and grazed in the summer of 1867.

Q Where were they herded with reference to the farms of Mr Sidell and Col. Sullivan?

A Mr Baum's herded his cattle during the summer of 1867, out adjacent to the west end of Mr Sidell's farm.

Q How far from Col. Sullivan's?

A I think he herded a portion of the time on Col. Sullivan's land.

Q Do you know of any native cattle being exposed to these Texas cattle in 1867 - these Texas cattle of Mr Baum's?

Objected to.
Objections overruled.
Exception by Plaintiff.

A Yes sir.

Q Tell now what exposure there was - whose cattle - what number, and what exposure?

A I saw native cattle summing at loose on the same ground where they were herded, there was also 4 head of them on my scales during the summer in my barn lot - in my barn where my own

stock run,

Q What number of native cattle were exposed to them during the summer, if you know?

A I should think perhaps I might be safe in saying, first & last, there was 100 ranged over the same range,

Q Did any cattle become infected with the disease known as the Spanish fever, that year there, or any of the cattle running with them?

A I never heard of a case of Spanish fever in my life, in that section of the country, until 1868,

Q Never heard of a case until 1868?

A No sir,

Q Do you know whose —

A Not in that locality I mean — in that section of the country,

Q That is what I mean. Do you know any thing about any native cattle being exposed to the Texas cattle brought in in 1867, by Johnson Rose,

748, a I am not prepared to say of my own knowledge how & where Johnson Ross' cattle were grazed - that is - a position, Only about 60 head is all I can answer for

Q How about them?

a They were grazed in a pasture belonging to his father William. At two or three different times I noticed some native cows with them, the balance of his native cattle he grazed home; that was the understanding I had of it.

By Mr Smith: That was in 1867,

a Yes sir, in 1867.

Q Do you know of any native cattle being exposed to them - to these 60 head of Texas cattle in 1867.

Objected to.

Objection overruled

Exception by the Plaintiff.

a My answer was that 60 head was grazed on the pasture of William Ross & once or twice I remember of being through the pasture there & seeing a number of native cattle - cows - young cattle.

Q Did you know of any cattle being

infected by them?
 a Not to my knowledge

Cross-examination

By Mr Smith

Q Whose were the cattle that you saw swimming in that pond posture where the water of two ponds run in - where the fence runs between two ponds - whose cattle run in there?

a They belonged to a gentleman by the name of Judah, and a gentleman by the name of Summerville, I think,

Q They were inclosed in an inclosure?

a Yes sir,

Q A fence that shut them out from the outside herd & run through this pond?

a Yes sir,

Q And they got their water on the inside and the native cattle on the outside from the same ponds.

a Yes sir,

Q They were not permitted together?

a Yes sir,

Q Now on the first of September they were changed from one posture to another

Q 50. a Taken out of the pastures & taken away the first days of September;

By Mr Schofield: I would like to ask the witness one question, were you and Mr Eaton ever present at a meeting at either one of these school house meetings, spoken of by the witnesses, at the same time?

a No sir, I never was.

By Mr Smith

Q On the first of September I understand you drove a lot of young cattle over the same trail that these cattle that had been inclosed took in their departure from that pasture;

a Yes sir,

Q About how far?

a The distance in the lane was about a half a mile.

Q Did you permit your cattle in passing through that lane to graze and herd, or were they driven straight along?

a Driven right straight ahead,

Q Didn't stop to range?

a No sir,

Q That was along the first of September. How long had the cattle of Mr Judah & the other men been in that posture prison & that time?

A From my best recollection the first I know of the cattle being in the posture was in the first part of June - first days of June.

Q They had been, then, in that posture from the first part of June till the 1st of September, by themselves.

A Yes sir.

Q During that time - during the early part of June, or any time after they went into that posture, were any native cattle in there with them.

A There was a few in with them - that is, a few cows & young cattle.

Q That is with Mr Judah's cattle;

A Yes sir.

Q You didn't know where Mr Judah's cattle came from, or how long they had been in the state?

A No sir, not of my own knowledge.

252,

Q Those cattle that saw at large -
this other lot of Texas cattle
running on the prairie at large,
they had been brought in the fall
before & wintered some where -
where?

a Vermilion County,

Q Turned out the spring following
and allowed to saw at large?

a Yes sir, understand me in
regard to that lot, they were
brought into the county in the fall
of 1866, wintered, and grazed in
the summer of 1867,

Q During the summer of 1867 they
saw at large with other native
cattle on that prairie?

a Yes sir,

Q No damage resulted?

a No damage resulted,

753.

Q Now with reference to the Johnson
Boss cattle: when were they
brought into the state, if you know
those brought in, in 1868?

A I don't know from my own
knowledge

Q Where were they taken to - the Johnson
Boss cattle?

A The first knowledge that I had, of
those cattle of Johnson Boss,
there was a bunch of them in his
brother's pasture, north of me
about 2 1/2 miles,

Q They were enclosed?

A Yes sir.

Q You don't know of any injury
resulting from them?

A I do not sir

Q Now with reference to the cattle
at Mr Sidell's, as I understand
you Mr Sidell brought home a lot
of the Texas cattle, about what
time can you fix it, as near as
you can determine?

A The first lot as near as I can remem-
ber - about the 1st of May.

Q Where were they put?

A On the pastures: I couldn't say, but my impression
is, now, that they were kept on what he calls his
Corney grass pasture, first

754

Q Were they mixed with the native cattle or kept - separate?

A Mixed up.

Q There was about 100 native cattle mixed with them?

A That lot if my memory serves me right - the first lot of Texas cattle be brought home on the 1st of May, was turned in what we call the Creek pasture, where the fat cattle was grazing.

Q Where they had grazed?

A Where the fat cattle was grazed, that season.

Q Where they were grazing them?

A Yes sir.

Q These Texas cattle turned in with the fat cattle?

A Yes sir.

Q How many fat cattle were there there?

A About 100.

Q When were the fat cattle shipped by Mr Sidel?

A I couldn't fix the date; about the 20th of July; that is my recollection.

Q How long was this before this disease first broke out - the Texas fever

- first broke out in the county;
- a The first intimation that I got of this disease was about the last days of July, as near as I recollect,
- Q About the last days of July?
- a Yes sir,
- Q At that time Mr Sidell's cattle had been shipped & gone, do you know where he shipped them to, from any thing he may have told you?
- a I only know it from what the shipper told me.
- Q You don't know of your own knowledge I suppose, whether these cattle were afterwards diseased or not?
- a Not of my own knowledge sir
- Q Do you know of Mr Sidell's having any law-suits about these fat cattle after they were sent off, of your own knowledge, or from any thing that Mr Sidell told you, that he had any trouble about these cattle getting sick or dying, or any body suing him?
- a I never heard Mr Sidell say anything about it, or any body else say any thing about it.
- Q You don't know any thing about it?
- a No, sir,

736.

- Q Do you know Mr Hatfield a near neighbor of Mr Sidell's?
- A I am acquainted with Mr Hatfield - yes sir.
- Q Do you know of his losing any native cattle by his being connected with these cattle of Mr Sidell's - being on the range?
- A I couldn't answer of my own knowledge anything about it.
- Q Do you know of Mr Sidell paying him for cattle that he lost there?
- A I don't know that, sir.
- Q From any thing that Mr Sidell told you?
- A I don't know sir, from my own knowledge.

And Thompson

- O L Eaton, one of the Defendants, having been called, was examined by Mr Schofield & testified as follows
- Q Did you see these fat cattle of Mr Sidell's, when they were shipped, or driven off to be shipped?
- A Yes sir. I saw a lot of about 100 of Mr Sidell's fat cattle being driven,
- Q In 1868?

a Yes sir

Q Do you know whether that was after or before cattle had commenced dying of this disease said to be Spanish fever, or running from Texas cattle - whether it was after or before they commenced dying?

A My recollection is this, that I met Mr Sidell's son driving cattle to Golons near John Lugs' house, on one of the dates we have been speaking of, & that there had been some deaths from this supposed disease within a day or two of that time, & the same day I met the cattle there, I went to Golons & I saw the cattle when they came in there the next day, & I think I assisted perhaps, in getting them into the sheep-pens & loading them, & my recollection is that cattle had commenced dying in Golons, & in that county, of this disease; I can't fix the date, exactly,

Cross-examination

By Mr Smith

Q They commenced dying in Golons?
 a And also that they had commenced

857 1/2

My recollection is, that the date
I met the cattle near John Long's
house, his cows, or two, had died.
The first information I got, of Long's
cows, was that some day; that is
about the time the disease first
made its appearance.

And thereupon

John Sidell a witness for the Defendant, having been duly sworn was examined in chief by Mr Schofield & testified as follows:

Q What is your name?

A John Sidell.

Q You are one of the Defendants in this suit?

A Yes sir.

Q Where do you reside?

A I reside in Vermillion County,

Q How long have you resided there?

A Eight years, I think, about.

Q In 1868. did you bring any cattle commonly called Texas cattle into your farm?

A I had it done sir.

Q Where did you purchase those cattle at, of the commonly called Texas cattle, that you brought to your farm, or had brought on that year?

A I bought them in New Orleans.

Q In New Orleans?

A Yes sir, of a firm by the name of the Guard & Melile

Q Did you buy any cattle in Texas in 1868?

759.

Q No sir, was not in Texas in 1868;

Q You say you were not in Texas in that year?

A No sir,

Q Where were those cattle delivered to you at?

A The first five hundred I bought they were delivered to me at New Orleans I bought them out of a pasture ten miles up the river from New Orleans

Q Do you of your own knowledge know how long they had been there before you bought them?

A Not of my own knowledge,

Q Where were the next lot delivered to you at?

A The balance of the cattle - I bought of Mr. Guerd & Mehl. Taking the first that I had bought as a sample. They were to deliver me no worse cattle than they were, & at certain price, to be delivered at a point on the Mississippi River, below the mouth of the Red River called Hags Point.

Q On the Mississippi River?

A Yes sir,

Q In the State of Louisiana?

- a Yes sir, about two & a half miles below the mouth of the Red River,
- Q At what time did you purchase those cattle as near as you can recollect?
- a I stated and my examination before the last of April or the 1st of May 1868, I think I contracted the last cattle very near - within a few days of the same time I bought the first lot but they required some days to deliver the cattle.
- Q Where were your cattle shipped to - what point?
- a Shipped to Golond.
- Q Were you present when they were unloaded at Golond & shipped home - at the time that either of the droves was?
- a I never saw them after I shipped them in Louisiana until I saw them on the farm. I don't know any thing of their trail they were driven on whatever.
- Q At the time you bought these cattle did you know that they would communicate disease by coming in contact with native

261,

cattle?

a I did not sir,
Q What stock had you on your farm of native cattle, at the time you made this purchase?

a I should think I must have had some 200, perhaps or 250, native cattle.

Q You stated that at the time you didn't know it, & I believe ^{have} stated that they did not communicate disease at the time you purchased these cattle called Texas cattle?

a I did answer that.

Q Did you state in the meeting at Danville, when a committee representing persons who claimed to have suffered loss by Texas cattle had an interview with yourself, Leonard Sullivan & Mr Eaton, that you had bought these cattle in Texas?

a No sir, I did not.

Q Have you at any time stated to any person, or in their presence that you bought these cattle in Texas?

a Certainly not.

762.

Q I will call your attention now sir, to what did transpire at the meeting, (alluded to in my prior question) at Danville, in the office of Judge Davis, Commence and tell all that occurred at that ~~the~~ meeting as you recollect it. what was said & done by the parties on the respective sides?

A It has been a good while ago & my recollection is not very distinct

Q How:

A My recollection is not very distinct of what transpired, with reference to this assertion of mine my recollection is that Mr Porterfield was appointed spokesman for the committee & he addressed himself in this way, in commencing his statements he rather directed them to me as I hadn't been present at their meeting, that their object was to arrange some basis of settlement for the cattle, that our cattle had killed that was the way about it, & at that time stated that I acknowledged no legal liability, that, - at least my recollection is that a long

Time before, or soon after the law was passed. I had the opinion of an eminent lawyer, who stated that the law was unconstitutional. It was thereupon that those folks seemed to feel riled a little. I then stated that I was willing to go into any compromise, or basis of settlement that could be done, without compromising my legal rights; that Judge Davis & Gerry should be judge of that matter, & I think that is about the substance of that conversation, that has been spoken of Sir,

Q Now sir at that time did you make any statements, & if so what, with reference to the fact of your cattle having communicated the disease to other cattle?

A I never did sir the nearest that I came to that was - if I am permitted to state it - when those committee-men came to see me -

Q Now state what transpired when the committee, in conjunction with Colonel Sullivant came to see

you in regard to this matter which has been spoken of by other witnesses, what time of day - what time in the morning did the Committee get to your house, & who were the committee; tell all that you recollect;

a I don't remember the gentlemen's names at all. You have got them down here.

q Will you recollect some of them?

a Yes sir, I recollect Mr Busley was one, & I think perhaps Mr Gage was one. I am not sure, & don't remember who they were. They were all strangers to me.

q What time in the morning was it when they got there?

a My recollection is that it was a little before day, they called me up out of bed, Col. Sullivan came to the door I think.

q What distance had they traveled?

a As I stated I was unacquainted with the gentlemen & didn't know where they resided.

q Don't you know now what distance it is to where they reside?

a I know where a few reside.

I should think they had come perhaps
Ten or twelve miles.

9 Now as to the conversation what took
place then between you & them, state
that as far as you can recollect,
with reference to these cattle?

a Well they spoke in rather a presumptuous
manner; they wanted I should put
my clothes on & go right along
with them up to what is now
known as Broadlands, that they should
& have some settlement of this matter,
I refused to do it, & Mr Insley seemed
to press the matter more than the
others, & rather took me to one side
& insisted that I should go with
them; that it was necessary that some-
thing be done; that the community
was getting very much excited, &
that he thought it would be entirely
best for every body to prevent any
out break, I told him that if that
was the fact I would meet them
I think perhaps, at 8 or 9
o'clock that I would meet
them at Broadlands - Mr
Eaton - but that I couldn't go

- along with them, that I had some little business to arrange, would stay at home - get my breakfast & take my own time, they insisted upon my getting up into the spring wagon along with them, they insisted on it for some considerable time, & they finally agreed to that, & I did go, they agreed to let you meet them; a Remain at home & take my own convenience & meet them, My recollection is they took considerable pains - Mr Anderson I think - to try & have a private conversation with me & it looked as though they seemed to be anxious to get acknowledgements in some way or the other, As I said the gentlemen were strangers, and I couldn't tell why -
- 9 You can just tell what was said & done - after you went down to Boardman what occurred there?
- a I disremember, there was a considerable of talk, but to my recollection is there, that Mr Eaton done a good deal of the talking

and perhaps Mr Insley & those other gentlemen - I don't know their names, It was about arranging to meet them.

Q What did you say yourself with reference, at that time, to your cattle having communicated this disease & also what did you say with reference to paying for any injury which your cattle had done; tell all you said;

A My recollection is I prefaced my conversation just the same as I did at Danville.

Q How was that?

A That I recognized no legal liability whatever, but that I was willing to do any thing that was reasonable & right for the sake of quiet & peace.

Q Any thing further?

A At Broadlands there was considerable stated as I said about going - they insisted on my going to the meeting, and I told them that my wife was lying very low & that it was impossible, & that I could not & would not go, let the consequences be what they might.

768.

Q Did you ever attend any of the school house meetings?

A I never did sir. My circumstances were such it was an impossibility for me to do it.

Q You made known that fact as a reason why you did not attend;

A Yes sir, I did to the gentlemen.

Some of them appeared to believe it & some didn't. I would state that in my presence there, I think, the agreement was that the balance of the party would meet them as they requested, I think that was the agreement. That was the conclusion arrived at.

Q What was your last remark?

A I would state in conclusion that my recollection is that the balance of the party agreed to meet them - Mr Eaton & Col. Sullivan.

Q Do you know of any Texas cattle being brought into the country there in 1868, or 1869? The Country where you lived?

A I know of several lots that were there.

Q In 1867?

A One in 1866.

769,

- Q Who owned these several lots that you recollect?
- A The first lot in 1866 was owned by Johnson Ross, kept on his farm about 8 or 9 miles south east of where I live.
- Q State the time they were brought there - if you know?
- A My recollection is they were bought in the fall of 1866.
- Q How long did they remain there?
- A They were grazed during 1867; kept that winter, & grazed the next season.
- Q Were the native cattle exposed to them while they were there?
- A They were wintered summing with the native cattle that the man had.
- Q Did any of the native cattle become infected from them?
- A None that I had any knowledge of.
- Q Had you any opportunity to know if they had?
- A Yes Sir, I passed backwards and forth to Paris on the lane.
- Q What lots of Texas cattle were brought in the country in 1867?

or being in the country;—

a I am not sure of any but those Mr Ross brought, another lot in 1867,

q Do you know of Mr Baum's cattle?

a They were brought in the fall of 1866, but grazed in 1867, on Mr Sullivan's land adjoining my land. They were wintered during the winter of 1866, & 1867,

q Do you know of any other lots of Texas cattle; a lot grazed by Mr Leamy?

a I saw them once or twice.

q What year were they brought into the country?

a I don't know, it was in the spring of 1867 that I saw the cattle, I don't know when they were brought in.

q Prior to 1868 did you know of any cattle being infected from Texas cattle?

a I did not sir.

q Until after you had brought your cattle there?

a Yes sir, until after.

q How were the Texas cattle kept that were put on your farm?

271.

a They were kept in the pastures,
Q Were the native cattle exposed to them,
or they to the native cattle?

a Yes sir. They were just turned
amongst my native cattle.

Q How did it affect them?

a I lost some cattle sir.

Q What number did you lose?

a I don't know indeed sir, I am
not in the habit of keeping any
account of my losses, I like
to know as little about that as
possible.

Q Did you have any cattle that ran
with them that summer with
safety?

a There was one pasture that cattle
didn't seem to be affected in. It
was what I call my rest pasture
about 400 acres. There was
only a few Texas cattle in it.
Perhaps it may be I might say
15 or 20 that were taken out of the
different lots brought home.
That seemed to be scary & louchy
& imposed & was a little wild, and
others again when I came to sort
out were a little rough, or lame
and those were selected

and put into what we term the Hospital Pasture; two of my tenants cows run in that pasture all season.

Q With those cattle?

A Yes sir, and remained healthy; they are healthy yet. They moved away in the fall & couldn't sell their cows; people were afraid of them & I bought them, and I have got them yet. I have got them and the farrer, if you please I would state here: They brought up my shipping those cattle and I would like to explain the circumstances I was a little unwell & it was about the time that I expected to ship the cattle, and I said to my son, who had just come home from college, that I thought if they would get the cattle up, the next day I would try to divide them, and that I thought a hundred of them better go away; the market might sink, I had been confined to the house for four, or five, perhaps six days, they got the cattle up, and I was compelled

273.

to take quinine for 5 or 6 hours before I could stimulate enough, I got a horse afterwards and picked out a hundred or two of the cattle - I don't remember the number, and started my boy to Chicago with them. Those were the cattle Mr Eaton spoke of. I know nothing personally, only from my boy.

Cross-Examination

By Mr Smith

- Q Do you recollect the date of that?
A I have not got the date.
Q You don't remember?
A I would state that at the time, I had no knowledge whatever of any disease.
Q You didn't know of the disease?
A None whatever - at all.
Q The probabilities then are that the disease broke out afterwards?
A I only know from my son. I just stated that I was ignorant of what Mr Eaton stated was the fact here -
Q I will ask you if you can approximate now about the

number of native cattle that you lost by having been in contact with these Texas cattle, if you can approximate the amount and where near, please state?

a I don't know that I could. I would state further that my cattle seemed to be perfectly healthy. I told a party - a friend - a young man who had done a good deal of business for me to take another certain bunch of cattle that I had there that was perfectly healthy & ship them. He took them south and shipped them, & I don't know whether - I know nothing more than he took them.

q And sold them?

a Yes sir, And I heard of no trouble at all. That left rather a small quantity - you understand.

q Of native cattle?

a Most of the cattle I had were big size cattle, and ready to go,

q Ready for the market?

a Yes sir, And I should think I lost perhaps 30 or 40 small cattle.

q Of those that remained after your

275.

shipped those two lots?

a Yes sir.

q You had shipped your lots as I understand you, before you noticed or observed any disease?

a Yes sir. And before I knew any thing about it.

q About how many days after the first lot was shipped before the second - if you recollect?

a I don't think it was more than three or four days.

q Soon afterwards?

a Yes sir.

q If I recollect what was said this morning you wasn't with your cattle, when they were brought home. And you don't know of your own knowledge what route they were brought over?

a No sir. I say I didn't see them after I loaded in Louisiana until I saw them on the farm.

q I will ask you if your foreman made any statements to you as to what route - Mr. Cross your foreman - as to what way he brought the cattle home from Island?

a He may have done so. I here

is one thing I remember - I remember of him speaking of him staying with Mr Johnson.

Q On the route?

A Yes sir, Lynn Grove, I remember Mr Cross speaking of staying with Mr Johnson.

Q Would your cattle in coming from Golond along that road from Mr Johnson's east pass along that line of the herding ground of Mr Thompson's?

A My knowledge is very limited I never went over that route but once, to take the cars, as I was going to Golond - from the fact that the D M Road was broke, I have no knowledge of it.

Q Is your shipping place from Homer most usually?

A My shipping point - I ship at Homer some - but my nearest usual point is Fairmont six miles further east.

Q Had you heard any rumor prior to the time of purchasing these Texas cattle as to whether they would communicate disease, that induced you to make inquiries

777.

of any body, as to the truth, or falsity, of the rumor, had you heard any rumors or any reports of the liability of these Texas cattle to communicate disease prior to the time of your purchasing, that induced you to make any inquiries?

a I heard some rumors, there was some few of my friends detained in south east Missouri with their cattle.

q What kind of cattle?

a Said to be Texas cattle.

q Were these rumors to the purport that they were cattle that would communicate disease, & that they were stopped on that account?

a They seemed - I think - I don't know that that was the fact, but there seemed to be an organization to prevent them from being brought up, & different parties had different opinions & different theories to tell. Consequently I could arrive at no conclusion from what I heard.

q There was different theories about it?

a Yes sir, every man had his own,
 q Some thought they would communi-
 cate disease & ^{some} thought they would
 not?

a Yes sir,

q Among the other rumors that you
 heard, was that there was an
 organization levying black mail
 on somebody?

a That was the distinct opinion of
 my friends who was there with
 the cattle.

q They thought they were badly used?

a Yes sir, being: it ruined a lot of them,

q What was the alleged cause of their
 stopping; wasn't it that the cattle
 they were driving would communi-
 cate disease to the Kansas cattle?

a I know nothing about that.

q Was that the cause alleged to them?

a I don't remember that they
 talked, but my impression is
 that it was, that that —

q I will ask you if prior to the
 time of going down to purchase
 these cattle, prior to the time
 that you

did in fact purchase them,
you had heard from any
source that they were liable to
communicate disease to native
cattle?

a Nothing except this Kansas matter,
q these rumors that you heard
coming from that direction?

a Yes sir.

Re-direct examination

By Mr Schofield

q With regard to this matter that
Mr Smith has been asking you
about - your having heard rumors
in regard to this matter, you
may state now to the court if
you took any steps to satisfy
yourself as to the truth or falsity
of this report?

a I did, sir.

q And became satisfied how?

a I became perfectly satisfied that
it was false.

Adjourned to 8 A.M.
June 1820.

June 1880.
Met pursuant to
Adjournment

And Thompson,

of B Porterfield, a witness for the Defendant, having been called was examined by Mr Schofield and testified as follows:—

Q In your examination yesterday I believe you stated that you resided, or did reside in 1868, on the road running east from Golons? And passing north of Thompson's bedding ground, occupied that year by Mr Thompson and others?

A My farm comes down to that.

Q And your house was some $\frac{3}{4}$ of a mile north of that road?

A Yes sir.

Q During the year 1868, did you see any Texas cattle running at large along that road, or in the lane near your house?

A It strikes me that I saw one, my sight, as I remarked yesterday, is poor & was worse then, so that I couldn't see any distance.

Q Your recollection is that you saw one running there?

281

a With my cattle?

q Yes sir, with your cattle?

a Yes sir.

q Do you recollect of seeing any more during the season?

a No sir, I do not, I can't state positively that I ever saw that one.

q But it is your best recollection that you did?

a Yes sir.

Cross-examination

By Mr Smith,

q Do you know whose Texas steer that was?

a I do not.

q Was he running at large on the common, as the other cattle was?

In the same common that your head was on, if that is what you mean by running with your cattle?

a If I saw him at all - I can't recollect any further than what my herder told me, it was when the cattle were brought up, in the evening, if I saw him at all. It is a question in my mind whether I saw the steer, only as I learned it from my herder, if I saw

him at all, & saw him in the lot with my cattle, when they were put in at night.

Q But you don't recollect of having seen him yourself?

A My recollection is not distinct. I know from what I learned from the herder, I don't know that I saw him at all, I don't know that I did.

And Mr. Moore.

C. S. Eaton, one of the defendants, being called, was examined by Mr. Schofield & testified as follows.

Q In passing the direct road from Homer down to the Broadlands farm, will you state whose ground you passed over after leaving the public highway, to get down to the farm?

A Our road that we travel from Homer to Broadlands?

Q Yes sir.

A After we leave the public highway, at this point, at the end of the lane, we then pass $\frac{1}{2}$ a mile across a piece of land belonging

283.

to Mr S Sullivant, we then get upon land owned by Mr Alexander & continue on his land the whole way, until we get inside of what was his enclosure, at that time, It is now enclosed but at that time there was a portion of it there unenclosed, but that road passes entirely over Mr Alexander's land.

Q What quantity of land had Mr Alexander in this common - this grazing ground spoken of as Mr Thompson's grazing-ground?

A Well, I can't, without figuring the ground, state exactly,

Q Well approximate,

A Well there was about 25 or 30 hundred acres of this land, or thereabouts - of this land spoken of as Mr Thompson's herding ground of Mr Alexander's land.

Cross-examination

By Mr Smith

Q Before getting onto Mr Alexander's land, after leaving the public road, you passed over $\frac{1}{2}$ a mile?

A Yes sir, of land belonging to Mr S Sullivant.

584. Q That also being a portion of this
residing ground;

A Yes Sir,

By Mr Schofield, Col. M L Sullivan is
the father of J M Sullivan;

A Yes Sir,

Aud Thompson.

Col, L, Eaton, one of the Defen-
dants having been recalled by the
Plaintiff, was examined by Mr
Smith & testified as follows,

Q I believe that you, stated yesterday
in your examination, that you
hadn't promised to pay any of those
Defendants, for any of their cattle;
that that was not your understanding
of the conversation had at any of
those places;

A I hadn't promised to pay them the full
value of their cattle. I did agree to
pay all of them one half the value
of their cattle, for the sake of a
compromise. I made that general propos-
ition to the whole, that we felt our cattle
had had any connection with theirs
whatever, for the sake of peace & quiet-
ness, & a compromise, denying at

The same time that we were legally bound.

Q I will ask you to look at that letter & see if you wrote that, or signed that?

A Yes sir, that is my writing and my signature.

Q Are the statements in that correct?

A Yes Sir, according to my recollection now, they are.

Q I will ask you to have that letter incorporated in your evidence?

Insert letter.

And therefore the plaintiff read in evidence the following letter signed by C. S. Eaton, and dated August 24th 1868. Mr Eaton's Statement.

1868,
Broadland August 24th.

Capt. J. Brown and Dr H. B. Johns,

Gentlemen: Agreeably to your request I herewith hand you a short statement of the dates of receipt, and mode of handling, the several lots of Texas cattle, that have been received on this farm this year. On the 31st of May the first lot of Texas cattle 499, was purchased at Golons and brought on the farm, they were placed in the pasture

on the farm, they were placed in the pasture

marked "Fractional Pasture" on the amended plan, in which pasture were about one hundred native oxen. On the next day, sixty three of the above lot of Texas cattle were removed to the "School Section Pasture" and placed among a lot of native steers, that were grazing there; the remainder of the lot, except three or four cripples were removed to the "South West Pasture".

On the 7th June, another lot of 228, was purchased and put in "Fractional Pasture", where they remained until next day, when they - except two cripples - were removed to "South West Pasture".

On the 18th of June a lot of 496 was purchased and placed in "^{or} Fractional Pasture" where they remained three days and were then removed, except a few cripples, to the "North West Pasture".

On the 21st of June a lot of 537 Abilene cattle was received and put in "Pond Pasture" in which pasture there were twenty native oxen and two milch cows. On the 26th of June a lot of 140, was received from Golons and put in "Fractional Pasture", where they remained until next day, when they were removed to "Pond Pasture". On the 30th of June another lot of 109 was received, put in, "^{or} Fractional Pasture" and removed next day to "North Meadow Pasture", in which pasture there was a lot of native cattle. On July 1st the 100, oxen were removed from the "Fractional Pasture", to "Section twenty five" in which pasture there

755 1/4

had been no Texas cattle. On July the 2nd and 3rd 489 Abilene cattle were received and placed in "Fractional Pasture". On July 4th a lot of 195 Abilene cattle, purchased in Chicago, was received and put in same pasture. On the 14th of July 27 of the 100 oxen that had been removed from the "Fractional Pasture" & "Section twenty five" on the 1st July, were removed to the "Box Pasture" which had been grazed over by Texas cattle. About this time it was first discovered that small ticks had made their appearance on the grass and weeds in the pastures. On the 25th July another lot of 600 was received, 350 of them put in "School Section pasture", and the remainder in "South west pasture". On the 28th July a lot of 514 was received and placed in "Kendall Pasture", where they remained one day and were removed to "Pond Pasture". On the 26th July, we first discovered symptoms of disease in the native cattle; the next day one cow and several steers died in different pastures. Subsequently, within a day or two, all the native cattle were removed to Sections 19 and 24, except the 73 oxen in Section 25, which have showed no symptoms of disease up to this time, while more or less natives from all the other pastures continued to die almost daily, until within the past six days, since when we have had no deaths.

785 ~~1/2~~

and numbers that have been quite sick seem now to be recovering. It will be observed that the one hundred native oxen that were in the "Fractional Pasture", when the Texas cattle began to arrive, were more or less exposed, grazed over the same ground, and drank of the same water, with all the different lots of Texas cattle that arrived up to July 1st, when they were removed to a fresh pasture that had not been occupied by Texas cattle, and that subsequently on the 14th July, twelve days before the appearance of the disease, twenty seven of these one hundred oxen were removed from the fresh pasture and placed where Texas cattle had been grazing, most if not all of these twenty-seven sickened, and many of them died, There is at least one other well authenticated case in this vicinity where a lot of twenty-six native cattle were grazing with a herd on lands that had been passed over by Texas cattle, from June 10th to July 1st, when they were removed to a fresh pasture and have escaped sickness, while the remainder of the herd left on the range have sickened and most of them died, May not these facts throw some light upon the question as to the time an animal must be supposed to contract disease, and even upon the question, as to the manner in which the disease is communicated? It may be proper to state here that of the 4529,

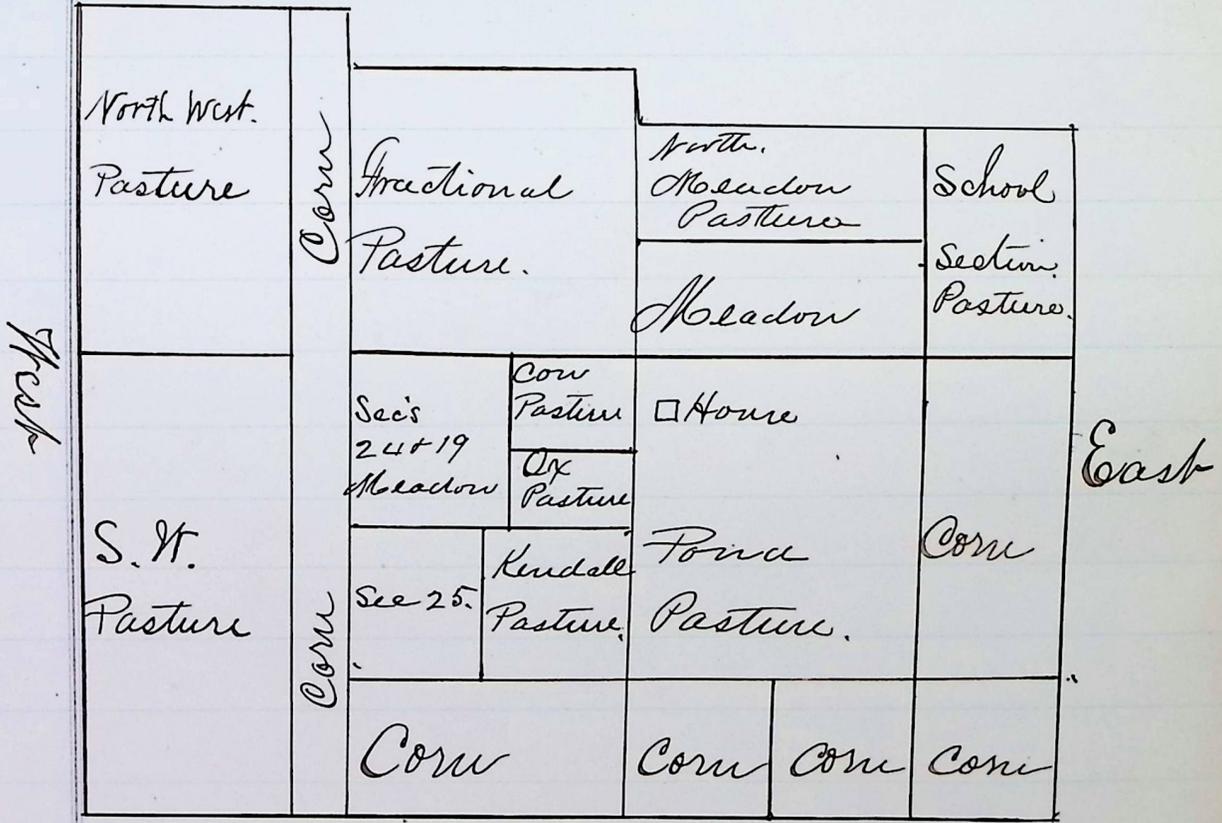
780⁵/₈

Texas cattle received & I have died, I think every one of them died of injuries received on their journey. In every lot purchased there were more or less injured animals, that were not expected to recover; these were always thrown in and not counted. There has been a much less number of deaths than was anticipated in view of the large number of crippled and bruised animals received. The Texas cattle all seem perfectly healthy now, showing no symptoms of disease of any kind. There was a greater or less number of ticks on all the cattle purchased at Golow, when they arrived; as a rule the fattest cattle had the most ticks. In a week or ten days after the cattle were put in pasture the ticks disappeared. About the 20th July, it was observed that the cattle, Texas or native, had larger numbers of small ticks on them; they increase in size rapidly, until now many of them are full grown, gorged with blood, and dropped off. I would be glad to learn that you can gather any facts from this statement that will aid you in solving the great mystery surrounding this terrible scourge.

Respectfully, yours, C. S. Eaton.

785-3/4

North



South

Diagram of Mr. Alexander's Broadlands Farm.

786. Q By Mr Schofield, that proposition
you state, was made for the sake of
peace & quietness with your

A Yes Sir,

Q Not because you recognized any
legal liability?

A No Sir,

By Mr Smith,

Q Did Mr Porterfield afterwards call
upon you for a settlement, in
pursuance of this letter?

A I don't remember of his ever
having called upon me,

I W Sullivan one of the Defen-
dants being duly sworn, was
examined in chief by Mr Schof-
field ^{for defendants} & testified as follows,

Q State to the Court if you are one
of the Defendants in this suit?

A I am, Yes Sir,

Q Where do you reside?

A I reside in Vermilion Co. Ill near Homer,

Q Near Homer?

A Yes Sir,

Q Did you have on your farm, in the

dated New Orleans La. May 26th
1868, \$ 12,392 Commercial Bank of
Kentucky, pay to Mr Luord &
Mehle or order \$ 12,392, signed

J. M. Sullivan, Endorsed &c,
Q State to the Court if you bought
any cattle in the state of Texas?
A No sir. I never was in the state
of Texas in my life,
Q Never were?

A No sir,

Q Did you tell any of these gentlemen
in a conversation that you had
with them, with regard to where
you got your cattle, that you
bought them in Texas?

A No sir. I don't think I ever did, I
was careful about that point, be-
cause I didn't get them there.

Q It wouldn't have been the fact if
you had stated it?

A No sir,

Q Do you recollect stating to one of
these witnesses, that you had
bought cattle at Shreveport?

A No sir,

Q That you bought a hammock
at Shreveport?

289,

a Qd Sir,

Q Was it true that you bought cattle or anything else at Shreveport?

a No Sir, I never was at Shreveport, never in your life?

a Qd Sir,

Q What time were your cattle shipped to Golond?

a They left Hog Point on the 25th day of May, or the 26th about 9 o'clock in the morning, & that was the last I saw of them until they reached Golond.

Q When did you drive them from Golond to your farm?

a They were unloaded at Golond, on June 2nd started on the next day to my farm, - the next morning,

Q What route did you take them - have them taken?

a From Golond to Lynns Grove on the direct east road & from there east on this road -

Q Passing north of Mr Thompson's herding ground?

a Yes, Sir, north of the Alexander land.

Q What time did you pass that herding ground?

- a It was dark by the time we got into the heading ground, fairly; it was dark, & I recollect it from this circumstance, this instance, when we were crossing Mr Eaton's bridge it was so dark that I couldn't see that the cattle were all over, and I asked some of the men to look around & see if any of the cattle were left on the other side of the bridge;
- q Where did you take those cattle to?
- a That night;
- q Yes Sir
- a Drove them into one of Mr Eaton's pastures, knocking the fence down and turning them in; kept them there that night,
- q That is on the Broadlands farm?
- a Yes Sir
- q When did you take them home?
- a The next morning;
- q Where did you keep them then?
- a On my own ground, Sir, with the exception of a few, on a section of land belonging to Mr Eaton, I had permission to use that land,
- q Was that enclosed?
- a No, Sir, it was not enclosed, on all

291.

sides, It was enclosed on two sides, by my fences & Col. Alexander's by my other fences, on part of the east. I kept two men with them all the time, to keep them in hand, never allowed them to be a minute without a man, except at night, & then I turned them into a 160 acre pasture with a good strong fence around.

Q In driving those cattle from Toland to your farm, did you use any care & if so, what care did you use to prevent your cattle from mixing with other cattle along the line of the road?

A I wasn't with other cattle all the way from Toland; a part of the way only. In crossing part of this herding ground, I remember of a yearling calf getting into the herd, & we worked half an hour to get it out.

Q Did you have any other trouble with any other cattle along the route?

A I think not.

Q At the time you purchased these cattle, what quantity of native cattle had you on your farm?

A 60 or 70.

Q What quality of cattle were they?

a I had some very fine Thorough-bred Durham cows, that I took a good deal of pride in, expected to show them at some of the fairs, and perhaps take the premiums; A Durham bull I considered a very fine animal.

Q What were those cattle worth?

a Well sir, it is a fancy kind of a stock and will command fancy prices sometimes.

Q Well I want to know what those fancy prices were?

Objected to as irrelevant.

Objection overruled.

Exception by Plaintiff.

Q Go on and state what their value was.

a Well sir I wouldn't have liked to take \$100 a piece for the cows & \$200 for the bull. It would be a very low figure, I should consider,

Q \$100 a piece for the cows?

a Yes sir, I don't think I would have sold them at that.

Q At the time you purchased these cattle did you know that they would communicate disease to native cattle by being brought in contact with them?

793. a No sir. I didn't know of it, I had heard rumors of such things, but I didn't believe any thing of it. If I had, I wouldn't have allowed any cattle to be mixed with them. They were mixed with them frequently; they were subjected to their toil, Q State if you lost your own cattle that year?

a Yes Sir, 40 head - most of my cows & we had to eat goat's milk for a good while.

Q You had heard rumors that there was danger but you didn't believe it?

a No Sir, didn't believe it.

Q Did you know of any Texas cattle being brought into that country in the year 1867 or 1868?

a I knew of Texas cattle being in the country in 1867, I don't know where they were brought from Sir.

Q Whose lot were they?

a Mr. Leasey had a lot - on a farm north of me - a farm adjoining me on the north, I think they were wintered there, partially, - brought there late in the winter -

early in the spring, I presume about the time the blue grass came up, in the Grove that I have, Mr Leasey turned his cattle out in that Grove & I went therein and requested him to remove them, He said that he wanted them to get a bite of grass, & to sub out the trees & I told him that I wanted it for my own cattle; that they were hungry for a bite of green grass, too, & he took them away,

Q Do you know of any body else having Texas cattle?

A Those cattle he stated were frequently about the Grove, that summer. It was not fenced then.

By Mr Smith, that was in 1867?

A Yes Sir, I know of other cattle - Mr Baum's,

Q What number had Mr Leasey in his grove?

A I think something over 100,

Q Mr Baum?

A Over 100, I think - 20 or 30,

Q Do you know when Mr Baum's cattle were brought there?

A I don't know,

Q When did you see them there?

- a I saw them there in June. I think first, and he let them run there all summer. He paid me for the privilege of summing in my grass - my commons, there.
- Q Do you know of any other herds of cattle called Texas cattle during that time?
- a Mr Eaton & Mr Alexander had some that season, I think.
- Q Do you know of a lot that Mr Parterfield had?
- a I have seen them Sir.
- Q What same year?
- a I have been told they were Mr Parterfield's cattle. I am not positive. I don't live near Mr Parterfield.
- Q Tell the Court if there was any disease, to your knowledge resulting from those cattle?
- a Not that I know of. I didn't hear of any.
- Q Do you know of any cattle being kept in that country in the year 1861, - cattle called Texas cattle?
- a Yes Sir. Mr Alexander had some & I think Mr Sidell had some left over from the year before.
- Q Do you know of any disease resulting

that year, — the year 1862, from cattle?

a No Sir

q Now Sir you may tell the Court at about what time, in the neighborhood that you live in, this disease known as Spanish fever, & supposed to have resulted from being brought in contact with the Texas cattle, first showed itself?

a I can't answer that question Sir. The first case I saw that was said to be Spanish fever was at John Long's. I was on my way to Horner and Mr Long was skinning a cow, I stopped and asked him what was the matter with his cow —

By Mr Smith, don't say anything about what Mr Long said,

q That is the first case you know of where it was claimed that the disease was Spanish fever, is it?

a Yes Sir.

q What time in the year was that?

a I can't tell you exactly Sir, I think it was about the 1st of August; somewhere there.

q What was the temperature about

The time that the fever was at its height?

- a It was a tolerably hot day & saw him at work on that day.
- q Do you recollect any difference between the temperature in 1868 & the years of 1866, 1867 & 1869?
- a Yes sir, I recollect that the thermometer indicated 110 degrees in the shade, at my house in the front porch. I made a memorandum in pencil, by the side of the thermometer. It is there, now.
- q It was unusually warm that season?
- a Yes sir.
- q Did this disease continue to manifest itself in this country?
- a I can't tell. It seemed a long time to me. I was mighty anxious for it to dry up.
- q Well—about?
- a Until the weather got cooler.
- q Were there any cases, after the weather got cooler?
- a I think not sir, I am not positive. I don't think there was none in my place.
- q Were there any cases before the weather

- got very hot?
- a I think not Sir,
- q Do you know anything about a lot of cattle said to have been brought over the same road, in part that you brought your cattle over from Golond; by Mr Sandustrey?
- a All I know about that, is, I was in Golond when Mr Sandustrey bought the cattle & saw the cattle turned out on the road, & gave Mr Sandustrey directions how to reach his place - a by-road - the best way.
- q Traveling that road?
- a Yes Sir,
- q What time was that?
- a It was near the 1st of July, I won't be positive.
- q Was it before the 4th, do you think?
- a I am not certain, I think it was.
- q What number of cattle had Mr Sandustrey -
- a I recollect that I had been to Lehigh & was on my way home & I met Mr Sandustrey there, & he came to buy his cattle.
- q What number of cattle had Mr Sandustrey in his lot?

299.

a He told me that he paid for 99,
Q What number were they as regards
health & quality generally?

a I thought that they were an inferior
lot of those cattle.

Q Why so?

a Well sir, they were smaller & in
very poor condition, & had been
rested there for some time & hadn't
recuperated as fast as our cattle
did. They didn't seem to be as good
a lot of cattle as I had.

Q Where had those cattle been herded?

a They had been for, I think some few
days - I don't know how long -
in a pasture belonging to Major
Zewlesbury of Solons, that is where
I saw them.

Q Which way from Solons is that?

a I think it is in the town, perhaps
in the town limits, or part of it, in
the north of the Toledo & Mabosh
Road & east of the Ill. cent.

Q Do you know of any other persons
having any Texas cattle that were
downen from Solons in the year 1869?

a No sir, I believe not.

Q Not of your own knowledge?

a No sir.

Q State to the Court Sir, whether you had any cattle herded at Solons during the year 1869?

A No Sir none at all, if they were it was without my knowledge, I gave instructions to work right along out, I didn't go with them from Solons, I went home & met them on the way.

Q Your instructions were, to the hands to take the cattle right straight along?

A Yes Sir,

Q As soon as you had them unloaded there, took them right home?

A Yes Sir

Q You recollect a Committee composed of Mr Insley & Mr Andersson one of the Mr Porterfields & some other gentlemen, calling upon you some time in August, 1868 with regard to disease, and the damage produced by the disease from Texas cattle?

A I do - yes Sir,

Q Tell the Court what time of night they got to your house & what transpired - what conversation occurred between you & the Committee after they arrived?

a I think it was about 2 o'clock in the morning,

9 What morning of the week?

a It was Monday morning Sir. Mr Insley came to the door & knocked I called out to know who was there - and then he spoke to me. Says he, "Col." Then I got up & went to the window, and says I, "Is that you Insley?" & says he, "Yes" & says I, "Hold on; I will let you in, when I get on my pants in a minute". I went to the door & unlocked it, & told him to walk into the other room, till I could put on my breeches & get a light. I went in & pulled on my pants, picked up a light & came in, in my bare feet, & shirt sleeves & talked to him. & Mr Robert Postersfield. I think was with him. He told me that there had been a meeting & that there was a great deal of feeling at it & that he had been appointed one of a committee of five. I think, to come over & see me & Mr Sedell & Mr Eaton. I think he gave me a copy of the resolutions sent by the meeting & I told him it was a

pretty rough time of night to start out. Talked with him in a pleasant way & asked him to invite the other gentlemen in. I was not certain that any came in, but Mr Robert Postersfield. I rode with them then dressed myself & went with them to Mr Sidells. Mr Inley on the way talked to me about the meeting that was in the country and at this meeting,

- Q You can tell what he said & you about that
- A He said to me that he would advise me, as a friend, to go with me to Mr Sidells & to use my endeavors to get Mr Sidell & Mr Eaton to go with them to this meeting at the Raymond school house, that afternoon, that it would show a willingness to do that, & do what he thought we ought to do. — They thought we ought to do — & that it would be better for me, a good deal to go — He was telling me this, as a friend there was no threats.
- Q Did he at the time, state any thing in regard to any danger that there might be, if you didn't take

803.

- some steps about this matter?
- Q Did he at any time?
- Q Yes Sir. During that time, when this Committee was waiting upon you?
- A I can't remember his words, but the intimation was very strong that it would be better for me. Heard Mr Anderson both of them spoke as if they were peace-makers, & wanted no disturbance in the country.
- Q Where did you go with them?
- A I went to Mr Sidell's house.
- Q What occurred there?
- A We got there & I suggested that perhaps I had better wake Mr Sidell up. I got out & went to the door & called to him & he asked me, if that was me & I told him it was, & told him what I wanted with him & he came out in a few minutes, & I passed him over to the committee-men - some of them - while I entertained the others, nothing of any account passed between us at the time.
- Q During the time do you recollect making any statement to the committee

as to the amount of damage which
had been produced by your cattle,
or your disposition to pay for
any damage that had been
sustained, & if so what did you say?

Q Let me understand - your question
what was your question?

Q My question is if in any conver-
sation which you had with that
committee, you spoke with regard
to the damage that had been
done by your cattle, & other cattle,
not by your cattle - your cattle
called Texas cattle - as a disposit-
ion upon your part to pay for it,
state to the Court what you said?

A I said at the Raymond school house
& I think I repeated it at other
meetings & on other occasions
that I had lived in the country then
14 or 15 years & had business with
a great many men, & they with me,
& never had any trouble. I felt safe in
saying that, because I felt that the
meeting would hold me out in it -
that I had the reputation of being a
pretty fair man in the country,
& they would find me ready & willing
to pay my.

portion of the damage done, as soon as my liability & proportion were shown me, I remember rather that I said that they couldn't expect me to pay it all, nor then, that I didn't have the money to come down on the table, & tell them to come up & help themselves, & they all, a dozen voices, all over the house, said, "we don't expect that" or something of the sort - agreed with me.

Q Did you at any time admit, & if so, in what manner, any legal liability on your part, to pay any amount?

A I don't think I ever did, I never intended to, at any rate if I did,

Q Do you recollect what language you used in speaking to these gentlemen in regard to your liability?

A As soon as my liability & proportion were shown me, I would be ready and willing to settle,

Q As soon as your liability & proportion were shown?

A Yes sir, I said that I was a little the smallest fish in the puddle, and I didn't think I ought to pay it all, I only had 500 cattle, while

- They had a great many more. -
 I thought that was the general feeling -
- Q At any of these meetings, did you hear any expressions or threats of violence or any words, showing a violent disposition, by any persons in the meeting?
- A At the Raymond school house, I heard an Irishman behind me saying "Just let me give him a pop." I don't know what he meant, I didn't look around?
- Q Did you hear any body else make use of any language of that kind?
- A No sir, nothing very violent?
- Q If there was any thing else, but, that you recollect, that transpired in connection with this, please state it.
- A I don't know that there is, except that I felt that it wasn't safe to be there - so much so that I sent my family to Ohio, until the excitement wore off a little.
- Q State to the Court if you had any warnings from any friends who were interested in those meetings, that it was not exactly safe?

807. a Yes sir, I had been warned by persons; that I was not safe & I was not exactly in a safe position

Q Do you recollect who the persons were?

a Mr Croffey has told me of threats I believe.

Q You in consequence, you say, sent your family to Ohio, until the excitement passed off?

a Yes sir, from the advice, I had.

Cross-Examination

By Mr Smith:

Q When - at the time you heard the Irishman make the statement, that he would like to give you a pop, was Prof. Gangee not speaking?

a No sir.

Q Wasn't he speaking before that?

a Some week or two before.

Q Mr Gangee was not there?

a No sir.

Q This was at the Raymond school house?

a No sir. At the Block school house.

Q Did you hear any such language

or any threats, or any thing of the sort, from any of the most responsible men, who were gathered at that school-house - any thing of that sort;

a No sir, but your friend Mr Gondt told me that I was in a good deal of danger there.

Q I will ask you Col, if there isn't more or less danger wherever Gondt is, under all circumstances generally?

a I don't think Mr Gondt is a man that provokes quarrels, he was acting the part of a peace-maker that day.

Q He was engaged as a peace-maker too? you say, Col, that on account of this feeling that had grown up there, you sent your family home, that you had been notified of some threats & so on, I will ask you, if any of the statements that you made at any of these meetings, or to any of these gentlemen, & if, indeed, all of them were not, in point of fact true, as you understood them, whatever you made?

a Yes sir, they were.

809.

- Q Then, whether there were threats, or whether there was danger or not, they didn't influence any statements that you may have made about this whole matter?
- A No Sir, I think my actions along the trail, will show that I was in good faith.
- Q I will ask you if you didn't state at different times at these meetings, & to this committee - I don't remember the connections or places now - but didn't you tell them that these cattle of yours were Texas cattle? Didn't you call them Texas cattle, and tell them that they were Texas cattle? Wasn't that what they were called by every body?
- A I don't know as I said they were Texas cattle, I might have called them so, in speaking of them.
- Q Is it not true that that class of cattle that you & Mr Eaton had & Mr Sidell, are such as were known all over the country as Texas cattle?
- A Yes Sir, they are, now I have heard them called Spanish cattle, very frequently - the same class of

cattle,

Q But what I mean, are they not generally known by the cattle traders & dealers, & by the men who know any thing about them indeed as Texas cattle?

A I think they are,

Q Did you make any statement to any person, that your cattle came from Texas & that you bought them from Hags Point? I will ask you if you didn't make such statements to any of the parties?

A I don't think I did; I don't know that I did,

Q And that your cattle that you bought, come down Red River?

A No sir,

Q Is Hags Point at the mouth of the Red river?

A No sir, it is three or 4 miles below;

Q Do you know where they did come from to that point?

A I don't know I saw them about 3 miles back from the river - from Hags Point. That was the first I saw of them, they were then on a range there,

By Mr Schopfield: then on what?

811.

a Turned out to a little sarge.
q Did you ever hear Mr Sidell say where they were brought from, & that point?

Objected to, as not cross-examination.

Objection sustained.

q I believe you have stated that you purchased your cattle at Hogs Point, about the 26th of May, if I recollect right?

a The 26th of May I paid for them,

q And they were brought into the state of Illinois, then, after that, - after the 26th of May,

a They arrived at Toland & freight was paid there, on the 2nd of June,

q 1868, that was?

a Yes Sir,

q How long after did your cattle on your home farm - your native cattle commence dying, after this lot of Texas cattle which you drove home, were put on your farm; do you recollect about the date that the fatality commenced among your

812,

own cattle?

a From about the 4th of June, to some where about the 1st of August I think it was,

Q Yes - commenced about the 1st of August?

a Yes sir a few days before Dr. Johnson was there, I don't recollect exactly,

Q About the 1st of August was when your own cattle commenced dying on your farm?

a I think it was, it may be a few days later,

Q Oh yes, I understand that, I am asking now, if your native cattle on your own farm, had been exposed to any other Texas cattle,

a They had sir,

Q They had?

a Yes sir

Q When?

a All summer - before I got my cattle home - I don't know whether it was before, or directly after, there were two cows, two Texas cows dropped out of a herd belonging to Mr. Dusenol, who drove across my prairie - my pasture ground & near my pond where I had my

813.

cows & cattle. I saw that these cows were about to have calves, and sent my men out & got them into the pasture; there they run, & they are running with what is left of the cows yet.

Q When were these cows turned into your pasture - those two cows?

A Well sir, within ten days after I got my cattle.

Q In ten days after you got your cattle?

A Yes sir, I think so, I thought at first, it was before, but on reflection, I think it was before.

Q They run with your cattle?

A Yes sir.

Q Were your Texas cattle all kept in one field?

A All in one herd - yes sir - excepting a few lame ducks, as I call them, that got into the brush, in the pool, and I couldn't get them out & they staid there.

Q Where there any native cattle mixed with them?

A Yes sir.

Q Did they die?

A Not all.

Q How many of them?

814.

a They were mixed up with the herd
of the two Texas cows of which you
speak - were they mixed with the
same ducks, as you call them?
a Yes Sir, they were with them, a part
of the time, & part of the time they
were with my cows,

q You don't know where those two
cows came from, when they were
brought there?

a I don't know they were of the same
class of cattle,

q You don't know when they were
brought from Texas, if ever?

a No Sir, I don't know whether they
belonged to Mr Juvenal or Mr
Porterfield.

q Did you know that they were Texas
cattle, of the same quality that
these were?

a Yes Sir,

q And did your cattle commence
dying about the same time, that
the other cattle along the line, on
which your cattle were driven
commenced dying - yours & Mr
Siddell's - if they commenced along
that line, dying about the same

815,

date?

a The first deaths I know of were at Long's,

q I am speaking now, along the line where your cattle were driven, Is it not true that your cattle, and cattle along the line where your cattle had been driven from Tolono, all commenced dying about the same time - within a day or two or three days of each other?

a No Sir, I can't tell you about that.

q You don't know how that is?

a I know that Mr Eaton didn't lose anything until some time after I saw Long's cow, & I didn't - I heard of cattle about the Lynns Grove dying, & I think I understood from Mr Leonger that he lost a cow about the same time - perhaps a day or two before, or after Long's, I am not certain though, my impression is that Mr Leonger had the reputation of having lost the first cow in the country.

q How long was it after your cattle commenced taking sick & dying, or before, that these cattle on Thompson's herding ground, there, over

816.

which your drove passed commen-
ced dying?

a I can't tell you,

q You don't know how that was?

a No sir,

q I believe you have already stated
that before you bought these Texas cattle,
you had heard representations &
rumors that they would communi-
cate disease, but you didn't
believe it?

a Yes sir, I had read of it in the
newspapers - heard of those things
in Missouri,

q And Kansas?

a I don't know that I heard in Kansas,

q Had you heard of the disease that
broke out in 1866, among Mr
Mc Leoy's cattle, in Sangamon
County?

a No sir, I never heard of that, as I
remember,

q Is it not true that you purchased these
cattle as & for Texas cattle - as
that quality of cattle - that they were
known as that, in the trade & at the
place that you bought these cattle?

a I suppose I did, sir,

812.

Q Is it not true that you went down into that country, to buy this quality of Texas cattle - to buy Texas cattle?
A I went to New Orleans, I started from here & expected to meet Mr Sidell at New Orleans, & buy cattle there.

Q Did you expect to buy those Texas cattle?

A I had no definite object - Sir, Mr Sidell had notified me that he bought some cattle near New Orleans & that there were some cattle in the same place, & I went down.

Q You need not state what Mr Sidell said.

A I went for that purpose, & upon his representation to buy cattle

Q Is it not true that you stated to these parties at different times, that the evidence was pretty conclusive against these Texas cattle having communicated disease along

the trails; if you didn't make such statements as that, in these several meetings, where you met, & had conversations with these parties?

A I recollect that it was stated

that it was very much against it; we didn't know what was producing the disease; we had had Prof. Gangee there, & he had failed to tell us, & we didn't know what it was, but the evidence was certainly against us. I recollect, also, of stating several times, that it was a very curious fact & one that healthy cattle could import disease.

Q I suppose that remains a curious fact to every body, still. Now, please look at this letter you have heard it read - did you sign it?

A Yes sir,

Q The statements in that are made by you, & endorsed by you, are they?

A Yes sir, that is my signature.

Q Did Mr Gagee and Mr Porterfield afterwards call on you, & have you comply with the propositions in that letter?

A I got a note from Mr Gagee, saying that he had -

Objected to,

Question withdrawn.

Q Do you recollect whether the

819.

Plaintiff in this case, Mr Gayel was at that school house where the Irishman made the sermons?

a I don't know & believe he was; I think he was standing at my right hand, about the time, at the first meeting, that I had him nominated to go to Danville - I am not positive that that was the meeting that he was nominated.

q Did you hear him make any threats, or use any harsh language, or make any threats of violence?

a Towards myself?

q Yes; or any body else?

a I have heard him use some pretty rough language, do you want to know what he said?

q No - I don't want it - well tell it.

a I met Mr Gayel in Homer, directly after the Danville expedition. He said that he had no hard feelings towards me, but had towards Mr Sidell - that he had acted very badly, & that he felt that he could put a rope around his neck, if he was

his own brother.

Q He was pretty well warmed up?

A Yes sir he was very warm.

Q Is it not true, that so far as you are personally concerned, you & all of these gentlemen, have always been on good terms - that you & they have always in this country, been friendly, & that they have treated you kindly & that you have reciprocated that feeling?

A Yes sir.

Q I will ask you, if in that same conversation, or if at any other time Mr Gayel stated to you that he was sorry that these parties had acted as they did at Danville - & I will ask you, if, in reply to that or any other conversation, you stated to him that you were sorry they had acted as they had, in Danville - referring to Mr Eaton & Mr Sidell?

A I told him I thought the matter had not when the turn that I expected, & sorry it had turned the way it did. I meant by that, I was sorry they was so mad

821.

Re-direct-Examination

By Mr Schofield

Q Mr Sullivant you may state any explanation you want to make in regard to that letter, now; what you signed it for - what motive &c; that letter that has been referred to,

Objected to, as the letter should explain itself

By the Court: I think it is proper to show under what circumstances it was signed.

Exception by the Plaintiff.
A We signed this because we had settled that a great portion of the people - we thought that if these gentlemen were willing to settle upon the same terms - they refused to do it.

Q In order to get peace & quiet there?

A Yes Sir,

Q Now you state in reply to Mr Smith's question, when an objection was made that you desired to state what occurred between you & Mr Smith in regard to that letter, afterwards, you may now have an opportunity, if you

have any explanation that you want to make, to give it.

a I got a note from Mr. Yazel, late in the fall, or before that -

Objected to;

By the Court: I see no objection to the transaction between the Plaintiff & Col. Sullivan - what was said in regard to the matter?

By Mr. Smith, if there was a letter written, that is the best evidence, it is objectionable for that reason.

By the Court, I don't understand that he is giving the contents of the letter. He can go on.

Q Did you & he have a personal interview, afterwards, with regard to this?

a The personal interview after the letter, was, that he had sued me, the ice was so bad that he could not get out to my house, & he concluded to see me, I came to see him - I could cross the ice & he couldn't.

Q With regard to this going to New Orleans to buy cattle, Mr. Smith asked you if you didn't go there to buy cattle called Texas cattle, &

823.

will get you to state to the court if you had any particular fancy as to what breed of cattle you get, or what they might be called, so you got cheap cattle, & what you could sell in the market?

a I wanted to get all I could, for the money, & went there because I could get them cheaper there than any where else.

Q Did you make any distinction?

a A contract made for the kind; I would have taken full-blooded Durhams, if I could have got them for the price.

And therefore

John Insley, a witness called on behalf of the Defendant, being duly sworn, was examined in chief by Mr Schofield & testified as follows.

Q Did you attend the meetings that were called in your neighborhood in 1868, in regard to the losses occasioned, as was supposed, by the cattle called Texas cattle being brought into the county?

a Yes Sir,

Q Did you attend all the meetings that you know of being held upon the question?

A Yes sir, I think I was at every meeting.

Q Were you appointed a member of a Committee to wait upon Col. Sullivan & Mr. Eaton & Mr. Sidell. The Defendants here?

A I was sir.

Q Please to state now, to the Court what occurred at that meeting; just commence & tell what was said by the different parties, for what purpose you were appointed the character of the meeting, as regard violence & the manifestations of violence - all that took place - all that was said - the substance at least, as far as you can recollect, it now, tell it in your own way, about the meeting at which you were appointed a member of a committee to wait upon these gentlemen:

A Well sir, it would take a mind a great deal better than mine, to tell anything about all - or who by - that - was said.

8257

g Will, very well, go on & tell what you
recollect,

a I think about the first days of August,
I received a notice, and I couldn't
say how - from Mr Porterfield,
that there would be a meeting over at
the Block school house, which is
about 4 miles, I believe, west of me,
g which Mr Porterfield do you mean;
a Mr James Porterfield - there was to
be a meeting of the citizens of the
community who had lost cattle
in order to take into consideration
some steps in reference to the matter
I don't think I got, in the notice
any thing about what was to be done,
but there was just to be a meeting
of the people - of the citizens of that
community - along that line of
road, that had lost cattle, & they
would like to have me come over,
I went over, & when I got there, there
was a good many there, I don't
think the meeting was called to order
I don't think it was, at the time
I think in a few minutes after
I got there, it was called to

826,

order, And Mr R G Porterfield an
uncle of Mr James Porterfield
was appointed chairman of the
meeting, & I think Mr France was
called on, to act as secretary, & he
rather objected, & I was called on
& apologized, but finally we
both, I think, in our blank books
or perhaps of paper we got hold of
kept a kind of skeleton of the
meeting - both of us - I think that
Mr Porterfield stated - the Chair-
man of the meeting - that his
understanding of the meeting was,
when he was called to the chair
at the opening of the meeting, about, in
substance this, that he understood
the object of the meeting to be to
take into consideration some steps
to be pursued by the neighborhood
in reference to trying to recover
damages off the parties that had
brought - the Texas cattle there -
that it was supposed by them, had
diseased or killed our cattle,
I think that was about what
he said the object of the meeting was,
but then it

would be pretty hard for me to tell any thing about what was said, or near, because there were a good many things said by different parties.

9 Do you recollect of any remarks made of a violent or inflammatory character, by any persons attending that meeting?

Objected to.

Objection overruled.

Exception by the Plaintiff.

9 If you do, state who they were, or near as you recollect, & what they said?

a There was a good deal of excitement, I thought, & I think I told the people so at the meeting: that I thought it was uncalled for. But there was a good deal of excitement, at the meeting - more than I thought was necessary, under the circumstances although we had lost our cattle, yet, I thought if these men were legally bound, as I had understood there was a law on that subject, although I didn't know what the law was, that I didn't see that it was necessary for them

to be as much feeling in reference to the thing: that they were our neighbors, and I thought gentlemen, two of them, especially, that I was well acquainted with. I thought if they were liable they would be willing to do what was right; the other gentleman I only knew by reputation; that is Mr Sidell. I never had met him. There was remarks made by different parties that—

Q Do you recollect—remarks made by a Dutchman there, with regard to violence, at that meeting—by a German?

Objected to.
 Objection overruled
 Exception by Plaintiff.

A Yes sir,

Q What were they?

A He made some remarks that were rather laughable to me. It made rather a laughable impression on my mind, the way he made them, I don't know whether the Court will want to hear it.

Q Just tell them, the way he made them.

a He was talking in reference to the matter - he had lost one or two cows - & I believe the remark was about this - he emphasized it pretty strong - bringing his fist down, - he said "by damn" he said, he was just ready to get on his old mule, & take a shot-gun & ax & scythe & he said, "by damn" if they didn't pay him for his cattle, "by damn" he would just shoot & chop & cut, "by damn" until he got his pay, "by damn",

9 Do you recollect any remarks made at that ~~same~~ meeting at the same time by Mr Raymond? If so state what they are.

objected to,

objection overruled,

Exception by Plaintiff,

a Either in the house or out of doors, when they were talking in reference to the matter, of the losses of the cattle & of the Texas cattle being brought in there, I think Mr Raymond made a remark amounting in substance to this; that if the thing was not settled, that he was ready & willing to help

clean all the Texas cattle out of the country, & that he would be one if need be, & take the law in our own hands, & I think he used the words, "use hemp" if nothing else would do - I think that was about the remarks.

g Do you recollect remarks made there by Mr Milliken?

a I think Mr Milliken & him was standing side by side & he sanctioned what Mr Raymond said; that was the first. At that time; when the remark was made I didn't know Mr Milliken & afterwards through the remarks that were made there - what was said - I inquired who he was, of I think, Mr Porterfield.

g When he made the remark about resorting to law, if any gentlemen said any thing about not wanting the law, state who it was & what he said?

a I don't remember who made the remarks; there was a number thought there was a shorter way than to use law, to come at it, who they were, &

881.

can't say,
Q If there was any gentlemen in
the meeting who counseled peace, in
order to get moderation, state who
they were?

A Mr Anderson, - Mr H. W. Anderson
was on the floor once or twice - one
of the Committee.

Q The same gentleman who testified
here?

A Yes Sir. He counseled moderation
& thought it was unworthy and
premature - the excitement that
there was on the floor, He counseled
moderation, I think every time. I heard
him speak, Mr Postersfield didn't
get up, I believe until the latter
part of the meeting - I think it was half
out or more, - owing to the affliction
of his child, which I think afterwards
died, I think he made a little speech
after he came in, purporting to the
same point - Mr James Postersfield that is

Q I will ask you if the character of the
meeting was such, that they
would have permitted a denial
of their claim by one of the
Defendants?

832. a) Well, Sir, if I had been out & heard what they said in common conversations, & they not know that I was about, I wouldn't have liked to have gone into the house, if I was one of the justices, & told them that I denied all legal liability & never intended to pay them for any thing lost, I would have calculated that I wouldn't have been very safe, & I am a tolerably fair-sized man, I shouldn't have liked to run the risk,

7) State now about the appointing the Committee, & go to these gentlemen what was said & done in regard to appointing them?

a) I think during the speeches of Mr Postersfield, Mr Anderson & my self, in reference to moderation on the subject, that some one, perhaps all of us, suggested the idea of a committee being appointed to visit these gentlemen & confer with them, & see what they were willing to do & in this suggestion Mr R G Postersfield the Chairman of the meeting, Mr H W Anderson, Mr Sanford France, Mr Pleasant

Mitchell & my self were appointed
 a committee to visit Mr Joseph
 Sullivan. Mr Sedell & Mr Eaton,
 3 Then you proceeded to execute the
 object of the commission;
 a That was on Saturday that the
 meeting was, we proceeded together
 down there, on Monday morning,
 & pretty early, the understanding
 was, I believe with us, that they
 would come to my house, - there
 was suggestions by some of the party
 that we go down on the Sabbath
 & there was suggestions by some
 of the party that we didn't do that
 business on the Sabbath day,
 I suggested that as I lived nearest
 of any, to Mr Sullivan, & he was
 the man we thought of visiting first,
 that the Committee come to my
 house, on Sabbath evening, & we
 would get up early in the morning
 as the men were all business men,
 & try to get there, as we knew that they
 were all business men, before any got
 out on their farms, away from home,
 but they didn't come to my house -
 none of them, I think got there
 until about

midnight when they came. I was
abed, & they stated some that the
season they hadn't got there earlier
in the day, the most of them -
I don't think Mr Porterfield or
Mr Anderson had been buying
cattle, but some of the rest had
been, & didn't get through, so that
they could get there any earlier
and I suggested that we all go to
bed, & take a nap & try to get up
early in the morning, & it was
talked of & generally concluded that
perhaps if we went to bed, we would
sleep late & not get up early, &
the conclusion was, by all, that it
would be better, perhaps yes, & we
went on down to Col. Sullivan's &
there we called on him, I think
Mr Anderson, Mr R G Porterfield &
myself went in, I called out at the
door & the Col. got up to the window
& asked who was there, & I spoke to
him again, & he recognized my
voice. He said said he, "Insley is
that you". I told him it was. He
said hold on a minute & he
would open the door, & for us to

835,

come in, I think. I knew how his house was situated; he asked us to walk into the sitting room, until he could put on his pantaloons & he brought in a light, or a lamp at least, & we told him our business that there had been a meeting of the citizens; that there had been a good many of the cattle that had died, & there had been a meeting held, & there had been some resolutions formed, & some considerable talking; that we had been appointed a Committee to wait on him & Mr Sidell & Mr Eaton, thinking that it was their cattle that had done the damage, & see what they were willing to do in the premises, & asked him to come with us to Mr Sidell, or I wasn't acquainted with Mr Sidell, or didn't know the way, I don't remember the sum of the conversation that we had in there, but he told me to go out & bring the other gentlemen in, & not to leave them out in the spring wagon - or the wagon - I don't know certainly whether I went out & notified

The other two men to come in, or not, but I think we started in a short time. He concluded to go with us in a few minutes - after we conversed a little while - & we started & went down to Mr Sidell's from there, & had considerable talk on the way.

Q Now at Mr Sidell's what took place?

a We got there just about daybreak. Col. Sullivan got out & went to the door & knocked & woke Mr Sidell & don't remember just what he said to him. As soon as Mr Sidell recognized him, he told him to come in, & he told him, no, he wouldn't come in, for him to get up & come out there. I forget - we had some kind of warrant there - in a laughing way - & come out there - that we were after him - or something to that amount. Mr Sidell dressed himself & came out. Col. Sullivan introduced him, or port, - & I don't know but I introduced the balance, after he introduced him to me.

Objected to,

Objection overruled,
 Exception by Plaintiff.

After passing a few compliments with Mr Sidell, after the introduction, we made known - perhaps I made known & him - I don't know but Col. Sullivan told him what our business was, and to tell anything like all that was said I couldn't; the substance of what was said, according to my recollection, at first, was that his cattle were healthy; as yet he had lost no cattle, & he thought this thing was a premature thing - that we were hasty in the matter.

By Mr Smith; That is Mr Sidell's statement?

a Yes Sir - that he thought it was a premature thing - that we were hasty in the matter, he thought time was the better plan, give the thing time & let it develop itself, & see to what extent the cattle did die, & in his conversation he - we asked him to attend the meeting that was to be either that afternoon or the next afternoon - I am not positive which -

838.

that was to be at the Raymond school house, & he made the excuse of the affliction of his wife - that she wasn't expected to live & he thought that it would be impossible, & I was asking of him more than he thought was right, to attend the meeting; that he didn't expect to leave the country. that he wasn't going to run away or any thing of the kind, he expected, if he had done any damage to the people, he would be legally bound to foot the thing up, I believe that was about his sermons, & he rather resisted going to the meeting.

839. By Mr Smith, what was Mr Sidell?

a Yes sir, & we gave him a very pressing invitation, & finally I told him individually that from the general appearance of things & what was said at that meeting I thought it would be safer for him & the best way, for him to go up there & give some kind of satisfaction to the people, & he, after we talked some considerable time in reference to the matter, said that he couldn't go then, but that he would meet us at nine o'clock at Mr Eatons, - Broadlands

Q What occurred there?

a We returned there & all of us got our breakfast, Mr Leol, and all of us went to Broadlands met Mr Sidell there & found Mr Eaton at home, made known to Mr Eaton our business as we had to the other parties,

Q What did he say?

a Mr Eaton went on and told us that there had some of their cattle dead, & there was some sick, but he thought this thing was a hurried

matter, and he didn't think there could be any thing arrived at - any certain conclusions at so early a stage of the matter, that they were losing heavily themselves, that he was in the employ of Mr Alexander & he wasn't individually liable, he didn't consider it, if there was a liability about the matter, consequently it was unnecessary for him to go, & I think we pressed the thing on his mind about the same as we had at the other meeting. & Mr R G Porterfield was pressing the thing pretty strong on Mr Eaton, with some pretty positive language, I don't think I can give the language - pressed an admission out of him & all the parties in reference to the matter - in reference to their cattle having diseased our cattle that we had lost

9 What did Mr Eaton say with regard to the cattle having diseased the other cattle at that time?
 a He said he was losing a number

of cattle & a number was sick
& a number died, & the circum-
stances were against him, but he
made to my recollection no
admissions that he understood
them to be legally bound.

Q Said that the circumstances were
against them?

A Yes sir.

Q That a good many cattle were
dying?

A Yes sir.

Q How did you hear Mr. Sidell make
any further admissions with
regard to his liability, or the fact
that the cattle had communic-
ated disease?

A I did not sir.

Q Col. Sullivan?

A None of them.

Q Were you at any meeting, then, at
the Raymond school house -
was that the meeting at which
you made the report?

A Yes sir, of that visit.

Q Who of these Defendants were at the
meeting at the Raymond school
house?

A Col. Sullivan & Mr. Eaton.

842. g What statements did they make at the meeting, state the matter as you recollect it, with regard to that?

a Either that day or the next day was the one we made the report of, I am not positive whether it was Monday or Tuesday evening; it was either Monday or Tuesday & am not positive in reference to which day it was, Mr Eaton & Mr Sullivan were both there & Prof. Gangee, Prof. Gangee was introduced to the audience & made an address there, & I think it was the first that was made of perhaps a half an hour's length & don't remember what it was now, because it was not to the point that we thought the meeting was held for, & did myself, and a great deal of his speech was in medical terms, that I didn't know any more about than, as the boys say, goose-latin, & it was not interesting to me, & I guess it was

843.

not to the audience as a general thing. Afterwards, I don't know which, Mr Eaton or Leol, Sullivan got up & spoke. I think they were called on by some of the Committee, perhaps, & say what they had to say, Mr Eaton got up and said that he was under the employ of Mr Eaton & he was not interested personally, in the cattle that were on the farm, and went on & made some statements to the meeting, what he had to say in reference to the prematureness of the meeting, what did he say in reference to his individual liability at the time?

a He said, that he didn't think that he was individually liable; went on & speak as though he thought he said in words that he thought the meeting was premature, & the feeling that seemed to be manifested among the people, he thought was uncalled for, and he didn't

suppose that him or Mr Alexander
 would leave the country, or any of
 the other parties, that they were
 there, that the disease hadn't fully
 developed itself, & he thought it
 would take some time to ascertain
 in reference to these matters;
 that he didn't consider himself —
 he shaped the words pretty carefully,
 because I was particular to
 notice that point, because that
 was a point that we had been
 after as a Committee as I
 understand it & get admissions
 as to their liability, He shaped
 the words pretty carefully & guard-
 edly & he stated that he didn't con-
 sider himself individually
 liable, that if Mr Alexander was
 that he thought he was a gentleman
 & fully willing to meet his liabi-
 lities, when shown what they
 were, I think that was about
 what he said in substance
 Col. Sullivant was called on
 the floor, & in his speech,

845-

The substance of that was on the points that we are after, about this; He said a great many things & couldn't say what they were, but the points we were after was to get admissions of their liability and get a promise out of them for settlement. On that point he said he didn't know, he was rather inclined to believe he was not legally liable, but that if he was he didn't expect to run away, & he didn't want to be scored away, & that he expected to be on hand whenever the thing was finally known what his portion of the damages, if any; he expected to try & pay it, & wanted to do it without any legal process; that he was a man of deeds & wanted peace, went on to tell how long he had lived in the neighborhood, the amount of business he had done, & he had never had any trouble with any of his neighbors & didn't want any;

that it was undesirable, I believe that was the substance of what he said at the meeting. Mr. Yazel asked the question here on a little slip of paper, "Was Mr. Yazel at any of the meetings before or at the Raymond school house?" I answer he was not.

Q Were you at a meeting at the Block's school house?

A Yes Sir.

Q Do you recollect Col. Sullivan presenting a paper there?

A Yes Sir, I do.

Q Just state what was done with that paper, - what occurred & what was said by him?

A That was a third meeting, after the one that we had had at the Raymond school house. Col. Sullivan was at the Block's school house & presented a paper. The purport of that paper in substance was about this: In the first place - there was some thing about - my ~~recollections~~ understanding of this paper being presented - he had come to

my house after the meeting at
 Danville & our return report to
 the people: he had come to my house
 & made a proposition, or asked
 me in the first place what I was
 willing to do on a settlement.

By Mr. Smith: Who?

a Col. Sullivan, & I told him I
 was willing to settle on the half
 value of my cattle.

Q I am just asking what occurred
 at the school house?

a In order to get at the thing that
 occurred at the school house
 I was just aiming to tell how
 this paper I supposed was
 presented.

Q If they object to it why go to the
 school house & tell what occurred
 there?

a Col. Sullivan at the third meeting
 or at the one at the Block's school
 house, that next Saturday after
~~the~~ adjourned, but then we had
 one two weeks after that in the
 Drisley school house, at the
 Lost Grove, near me, this was
 on the next Saturday.

after that again, that the Col. came to the Block school house with a written proposition, I think signed by himself, Mr Sidell & Col. Eaton, that they were willing to pay—

By Mr Smith: Where is the paper?

a I don't know Sir; the paper was presented to the meeting & read; I think it was read by the Chairman of the meeting, I am not positive— by the Chairman or the Secretary, or by Col. Sullivan himself to the meeting; the proposition made in that paper was
Objected to,

Q What was said with reference to the paper; you neednt tell what was in it; what was said by those persons in regard to it?

a The paper in the first place was presented to the meeting— deposited with the meeting was my recollection of it. After it was read it was deposited with the meeting— I think given to the

849.

Chairman & there was considerable conversation by the parties, & I think that Mr J B Porterfield offered a resolution; I think he is the one; I am not positive but that is my recollection now about that - in substance & made a speech.

Q Was it a verbal resolution -
was it a stated, verbal resolution
stated in the meeting?

A No, Sir I think it was a written
resolution.

Q What became of it?

A I think in the first place he made
a little speech

Q What he did he state?

A In substance about this; that if we
were entitled to half pay for our
cattle we were entitled to all.
if they were leable for half they
were leable for all. he wanted
if they were not - he didn't consider
that they was for any, & he didn't
want any; I think he made a
speech & then in the resolution -

Q I don't care; Mr Smith don't

want to hear the resolution & I don't,

a That was about the substance I think, of the speech that Mr Postersfield made.

q What was then said by others in reference to that?

a There were a number, as guessed in what Mr Postersfield said in reference to the matter.

q What became of Col. Sullivan's paper then after that?

a After this resolution that I speak of was put before the meeting & voted upon & carried. Col. Sullivan got up and asked the privilege of withdrawing his proposition.

q What did he state as his reason at that time?

a I think his reason at the time was that he didn't consider himself legally bound for settlement unless he had - he had made the proposition in order to keep peace, & have a settlement amicably of this matter, & he had made this proposition under that view, with

that view had made it & if they were not going to accept that proposition, he wished to withdraw the proposition from the meeting & it was granted & the paper handed back to him; that was the last I ever saw of it.

Q Do you know of any Texas cattle being in the vicinity of Mr Thompson's grazing ground - the ground spoken of as the Thompson grazing ground - in 1867, any cattle called Texas cattle being there?

A Mr Parterfield had a bunch of Texas cattle that run on the west end I think a part of the season on the same ground, that is, the Thompson grazing ground; I don't know that it is his any more than it is ours. I think they run on the west end of that ground - west of Lost Grove.

Q Do you know of any other Texas cattle in that -

A Mr Leary had a bunch, I think, of 125 - that run east of me -

852,

northwest of Mr Sidell in the prairie.

Q Any body else?

A Mr Alexander had a number - 100 to 200 Texas cattle, that run in the pasture south of me, on Broadland the same season.

By Mr Smith; that is 1867?

A Yes Sir.

A Any body else?

A I don't remember of any body else in that neighborhood.

Q Do you know of any, in the County, of your own knowledge?

A There was a gentleman near Urbana.

Q Who?

A Mr Clark. Mr. Porterfield's partner near Champaign, had a bunch of Texas cattle, I think, & a man - I can't remember his name - I know him very well too; he used to be an Attorney in Urbana - Mr Sims - had a bunch, I think that season.

Q State to the Court whether you know of the cattle in 1867, being exposed to native cattle - these cattle called Texas cattle, in 1867?

853, a I think Mr Postersfield's cattle
ran with all the neighborhood
cattle there, & the other cattle,
& I think Mr Leary's done the same
& Mr Alexander, now at my
house, during the winter, they were
brought in the winter of 1866 & 1867.
I think about the Holidays, by the
farm of Staley; they were there until
the pens thawed out in the Spring
I wasn't willing they should stay
pounded in my place, & I think there
was about as many native cattle
with the bunches as there was Texas.
They were all by weather, now that way
I think all summer.

g Did any of the native cattle become
diseased infested with the disease
in consequence of this association;
a none that I heard of.

g Did you ever know of Texas
cattle being in the country before
1867?

a I think not before the fall of 1866.
They were brought in the fall of 1866.
Mr Leary brought his, early in the
fall of 1866. Before the frost killed
the grass - grazed them on the
prairie. I think Mr Postersfield got his along

late in the fall too.

Q Do you know of Texas cattle being in that country in 1869?

A Yes Sir, Mr Alexander had Texas cattle there - part of them in 1869.

Q Were they exposed to the native cattle?
A I think they ran together, I have seen native cattle when I was over there, on the farm, I saw the native cattle with them, I think a number of times,

Q Do you know of any disease resulting from the association in 1869?

A I do not Sir.

Cross-Examination

By Mr Smith

Q I believe you have stated already that this Committee - the object of your going down there so early was to find these people at home, they being business men, you expected them to be abroad?

A Yes Sir.

Q Did you state to Col. Sullivan, or Mr Eaton, or any or all of the gentlemen, the reason of your early

853.

visit, when you went down there;
a I think we did,

q told you that you came down &
find them at home & not for the
purpose of routing them out of their
beds at that early hour?

a I don't think we went for that
purpose,

q Was that really your purpose, or did
you go for any evil purpose &
alarm them;

a I didn't. I don't think any of the
Committee did,

q Wasn't the sole & only object of your
going there early in the morning
to find them at home & not for
any other purpose - not to intimidate
& scare?

a That was my statement,

q I will ask you when that state-ment
was made to Col. Sullivan & Mr
Sidell, was there any intimation on
their part of any alarm or scare?

a No Sir

q When you went down there didn't
you all report yourselves as
gentlemen, calling upon gentlemen,
state whether you used any

856.

boisterous words, or loud unusual expressions?

a I think not Sir,

q You went there simply as business men, calling upon business men, & attend to a business transaction didn't you?

a That was my understanding; that was the way I felt.

q Wasn't that the way you all felt & all acted?

a Yes Sir,

q Old guns, or pistols, or knives?

a If there was any about, I don't know it, I suppose we all had some pocket knives, because we done some considerable whittling

q Now when you went there, either to the house of Mr Sullivan, or to the house of Mr Sidell, you demanded that they should go to this place - invited them to go, that you wanted them to go & meet with the people & that this was a great scourge & that you wanted them to go, for the purpose of considering this disease - what was to be done?

a I think Sir, that that was what

83-7.

we told them; we invited them earnestly.

Q No preemptory demand, or any demand made of any kind - none made by you & so was there?

A I think not; at least, I didn't feel that way.

Q I believe, as I understand, you were the principal spokesman of the Committee - that you introduced yourself?

A They seemed to put it on me & so I did the most of the talking, from the fact that I was intimately acquainted with Col. Sullivant & Mr. Eaton, none of us ever met Mr. Sidell before, & some of us hadn't met Col. Sullivant.

Q When you went to Sidell's house, Col. Sullivant acted as speaker there?

A Yes, sir I didn't know Mr. Sidell.

Q After you came back & went to Mr. Eaton's place, that morning, was there anything different from the conduct of these gentlemen that you were with, from what it was at the other two places - to distinguish it from business men?

a I think not Sir,

q How did you report yourselves there? whether in a riotous, alarming threatening manner, or whether you went there as businessmen?

a I think we tried to behave ourselves as decently as common rough fellows could,

q Was any thing said there to indicate threats, or to violence to any of the gentlemen?

a We didn't make any; at least, I didn't & I didn't hear any.

q So that all this story of threats didn't have any thing to do with that morning sound & these three places?

a No Sir, it had nothing to do with what we said to them, at all,

q Now about the Dutchman's speech that you represented: there was no reporter unfortunately to preserve that. We will have to get along with it as well as we can. I will ask you if that wasn't made out side of the house, & the Dutchman made that speech to

858.

some persons who he was enter-
taining?

a I think he made that just as we
stepped out of the door, It created
a pretty big laugh - after we had
been into the meeting & adjourned
q The Dutchman hadn't been permit-
ted to speak to the audience & so
spoke afterwards?

a I don't know whether he did, or
not, this part of it. I think was
made at the door - I think, about
at the steps,

q Now you say that Mr Porterfield
an uncle of this one that went down
there with you, as I understand
you, pressed an admission, I
wish you would tell the Court
what he said,

a I don't know whether I can use
his language,

q Well sir, substantially, as near
as you can recollect,

a Before we started from Mr Eaton's
or when there, Mr Eaton, clear up
till just the last, declined agreeing to
come over to the meeting & I
had given up pressing the thing

any further, but had determined on getting him to come to the meeting, through the persuasions of Col. Sullivant, as I was more intimate with him, & he had agreed to come if the rest would come, or Mr Eaton's I believe. Mr Porterfield when we went to start, was in the yard of the office, pressing him, in reference to it.

Q Just say what he said,

A I don't know that I can give his language,

Q Can you give any of it?

A I think he said to him about this; told him, as we had before rehearsed what our business was, that we wanted a compromise, & that was our business, & have a pledge out of them, & pay for the losses sustained, wanted to know if he did, or did not positively say he would not settle the matter. Mr Eaton evaded giving a positive answer; only said that as soon as the liability of Mr Alexander was shown, he had no doubt he would endeavor to settle the thing amicably, & all right.

861.

Q Simply the long & short was, he wanted to know - Mr Porterfield said, "I want an answer, one way or other, whether you will pay us for the cattle or not,"

A Well, insisted very hard on an answer,

Q That was what he wanted to know one way, or the other?

A Very earnest words & a little abruptly.

Q I am trying to get at what they said, without the manner - more particularly.

A I can't give you the words.

Q There was no concealment of his purposes - Mr Porterfield nor none of you, concealed your object?

A No Sir & think not.

Q Mr Porterfield insisted on a plain matter; there was no concealment of what he wanted? There was no body making threats?

A No Sir.

Q Where & there you said Mr Eaton said what - what reply did he make to that?

A Mr Eaton replied that he didn't consider that he was individually

liable for any damage, from the fact that he was not a party concerned. that he was under pay & that he had no doubt that Mr Alexander, who was the owner of the cattle there, whenever the thing was adjusted - at the final winding up of the disease, & they knew what his liabilities were, he would be willing to settle amicably.

Q I will ask you, is it not true that you heard at this - at some of these several conversations, which you have been detailing - Col. Eaton say that the evidence was very conclusive against the Texas cattle having done this injury?

A I heard him say two or three different times, I think, in about these words; - that the circumstances were all against them,

Q The Texas cattle?

A Yes Sir,

Q What Texas cattle did he refer to?

A I supposed he meant the cattle that they had among them.

Q Col Eaton & Mr Tidell?
 A He said nothing in reference to

863,

what cattle, but he made the remarks in a way that I took & I inferred from what he did say, that they were the cattle.

By the Court: The inference will not be proper. Tell what was said,
a I don't think that he said positively, about any cattle.

Q You may state what cattle you were talking about?

a We were talking about the cattle that he had brought in there.

Q He said that the circumstances were all against them, for having communicated the disease?

a Yes sir, spoke of their own cattle dying, & the neighborhood cattle dying.

Q These other Texas cattle about which you have spoken, of Mr Leary's & Mr Porterfield's & Mr Alexander's that didn't communicate the disease, are cattle that came in in the fall of 1866, & were wintered over & run at large in 1867 - They communicated no disease.

a Yes sir, - They were brought in the fall & wintered.

Q Spent the summer of 1867, & they

864

communicated no disease?
a Not to my knowledge,
q I will ask you if it was at one of
those meetings - I don't know
which one, though you will perhaps
understand what I mean,
when I ask the question, - at
which Mr Eaton & Bob Sullivan, or
either of them, agreed with the
parties there, & made a proposition
which was accepted, apparently,
by the meeting, that they would pay
for all the cattle that were lost
on their several trails, as soon
as the amount of the cattle lost on
each particular trail could be
ascertained?

a I never heard any parties acknow-
ledge, & that was a point that I was
always watching, in reference to
the matter, from the first outset
that they were legally liable - that
they considered themselves
legally liable -

q No, no, just wait, wait, please;
this legal liability is a question
of law, which these gentlemen

865

these are hired to attend to, did you hear such a conversation as that?

a I never heard them agree to a proposition of that kind.

And Thompson.

M. D. Coffey, a witness called on behalf of the Defendant, being duly sworn, was examined in chief by Mr Schofield and testified as follows,

Q Please state to the Court where you reside & in what business you are engaged,

a I reside in Champaign Co. - Homer, my occupation is a merchant,

Q Were you residing in Homer in 1868?

a Yes sir,

Q Do you know of any cattle being diseased in Homer, during the year, & if so at what time of the year were they diseased?

a I know of two cows - it was some time in the month of August,

Q Did you make a post-mortem examination of those cows?

a No sir; not two of them. I spoke

of two, & then there was another one, afterwards.

g Now, the one you made a post-mortem examination of, speak of that one.

a When was a man had a cow, it was sick about $1\frac{1}{4}$ miles south of Homer. I ought to preface this & make it intelligible.

g I have no objection to your doing so, if the gentlemen will permit it.

a I can tell you what occurred in regard to that. It was the time of the cattle dying of what was called Texas fever, & there was reported a cow of Mr Hages that was sick & Dr Leakey & myself we proposed - & one or two more - concluded we would go & examine & see if it had the same symptoms of the Texas cattle, & when we got there, the gentleman that owned it supposed that the cow was going to have a calf, & that that was the matter. The cow was not quite dead, but apparently just about dead, we killed the cow - knocked her on the head &

Then examined her, the cow proved not to be with calf, & the appearance of the second stomach or manifold as we call it generally, had all the appearances of cattle that died with the milk-sick. I have examined a good many that have died with the milk-sick, but it had not the appearance of cattle that I had seen examined before, that died of what they said was Texas fever, that was the third cow, there were two cows dead in Homer, that were not examined.

Q Did you observe what the symptoms before death were, of this animal that you made the post-mortem examination of?

A Well, she was so nigh dead - lying on the ground so nigh dead. That no very particular symptoms - the hair was rough, the eyes were closed & the mouth lay open.

Q How did the external symptoms correspond with those before death - with those cattle that died of with this so-called Spanish

fever?

a Dr Coakley & myself said that this was the same disease; the cow was get breathing, before we took an ax & knocked her in the head. From her appearance we both said "Now, this is the appearance of the cattle that had the Texas fever," - from the looks,

q Is that still your opinion - that the external indications were the same?

a Externally, yes sir I can state that from observation of cattle that had the milk-sick before the general appearance with the exception of one thing - the general appearance, the drooping of the ears, & holding of the head down, & the roughness of the hair, is about the same.

q In milk-sick as in this?

a In milk-sick as in this, but there is additionally, the cattle have a disposition when they are on their feet to tremble.

q That is in milk-sick?

a Yes sir - in these other diseases they don't have that symptom

869. q Did you have any cattle that year
which you had grazed by Mr
Thompson's?

a Yes Sir, 58 head.

q 58 head?

a 69 head.

q Where did Mr Thompson graze
those cattle?

a Grazed them on the vacant-land -
what we call the commons, on
out land between Mr Alexanders
farms.

q Was it on the Thompson herding-
ground?

a Yes Sir, the same place.

q What time did you take your
cattle & him?

a It was the 28 or 29 of April.

q What time did you take them
away from there?

a The 29th of June.

q 29th of June?

a Yes Sir.

q Did any of those cattle called Exes
cattle run with your cattle,
either there or after being
taken away?

a There was when I took them there,
one went with mine, that was

called a Texas steer - one of my cattle - no it was not mine, neither, but one went with mine.

Q Your cattle were native cattle were they?

A Yes sir, except this one. The first time I visited my cattle & see how they were getting along, & then saw another that was called & had the appearance of what they called Texas cattle.

Q One saw with the herd there,

A Saw with the herd - yes sir.

Q What age cattle were yours?

A Mine were 3 & 4 year-old cattle.

Q State to the Court if your cattle became infected with any disease in consequence of having been herded there on that ground during this length of time?

A After I took them home, & put them into my own wood pasture, & they didn't - I will answer the question directly -

Q Had no disease at all?

A Had no disease.

Q State to the Court if in going home, you had to cross this line

871.

of travel, as described as having
been made by Mr Sidell & Col.
Sullivan with their cattle?

a Yes sir, Mr Thompson lives on
the south side of that herding
ground. & I had to cross from
his house, in a north-east direc-
tion to the lane that led to Homer,

q The same lane - you traveled by the
same line of road described by
Mr Eaton as the direct road
from Homer to the Broadland
farm?

a The same road.

q Along which his cattle were dis-
cribed yesterday, by the witnesses
& have gone?

a The same road that they traveled
out,

q You took them up that road?

a Yes sir about 4 miles of that
road?

q You had no disease - your cattle?

a No disease whatever.

q Did you state the number of
head there were?

a Yes sir,

872.

Did you attend any of those school house meetings held in the year 1868?

a Not one of them,

g State to the Court if you had conversation with Mr Gayzel, the Plaintiff in this suit, with regard to the injury that he claimed to have received from Texas cattle, & if, in that conversation he made any declaration - threats with regard to Mr Eaton, or Mr Alexander, or Mr Sullivan - tell what he said - or Mr Sidell?

a At the time that the examination was made by Dr Johnson & others, I was present & saw the examination that was the preface, I suppose of it, & the examination of these other cows, after that Mr Gayzel or Conkey & Mr Raymond, Mr Porterfield & perhaps another man, but those four I remember the names of as being there, & after the examination, we started home, Dr Conkey & Mr Gayzel was in the same vehicle that I was riding in. We rode together,

873,

And when we went from Mr Joseph
Sullivan's - from his house out,
& get on the outside - not the
outside of the farm - but the
gate that led into another field;
they stopped there & had a con-
sultation; Mr Insley perhaps,
was along - perhaps he was the
other man - They stopped &
had a consultation, I sat in
the buggy that I was riding in
& he a little distance from them
& some of the remarks I could
hear & some I couldn't & they
were holding a consultation
& that conversation I couldn't
repeat, because I only heard
words of it when they got into
the buggy, & started on home.
Br. Coukey & James Gayel were
in the same buggy, I don't remem-
ber whether there was any one
else in or not.

g The same buggy with yourself;
a The same buggy with myself, & drove
on home. Mr Gayel made the remark
that these men, speaking of Col.
Sullivan & Mr Eaton, had better settle
this matter, that they were in danger;

that he wouldnt for \$1,000 be in Mr Eaton's place, if he was he would be afraid they would hang him, that was the language used

Q Now state to the court if you, communicated the statement of Mr Eaton, in substance, that he was in danger - warned him?
 A I dont remember that I communicated it to Mr Eaton, I communicated it to Col. Sullivant, Col. Joseph Sullivant, there was another conversation,
 Q You state that there was something else you wanted to say?

A It was another conversation, I had with Mr Gayle - after that, it was after Mr Gayle had returned from the term of Court,

Q Yes, I am not asking about that, I dont care about that, In driving from Horner down to the Broadlands farm, you may state to the Court if cattle are taken over a common there, & if so, what size it is & how far from the town of Horner - from the stock-yards down on the road south, to the Broadlands farm?

8757 a They have to drive about $\frac{1}{4}$ of a mile from the stock yards, before they come into the lane proper, that they will pass over the commons;

These is some of the lots which is laid out in town; there is some of the lots fenced up, having houses, some of it is out. The whole ground $\frac{1}{4}$ of a mile is not vacant, but as part is, q the vacant part is connected together?

a the streets connect with the vacant part. In driving he would drive over two or three places of vacant lots and the commons,

q Now state to the court if any cattle were at that time - at the time in 1868 when Col. Alexander's cattle were taken over that ground - were in the habit of feeding on that commons?

a The cattle of the town were,

q What number were in the habit of feeding & grazing there, then?

a Some 30 or 40 cows of the town were there & in the habit of running on that ground; they are never,

restrained; they run there when they please; they are on it more or less;

Q How many cattle did you know of, if any, dying in the vicinity of Homer, of what was called the Spanish fever, that year?

A There were two, one of them had been running in the neighborhood on the open ground, where Youndt & Hage's herding-ground was, & the other one had been running on the herding ground where Mr Thompson's herding ground was & was brought in.

Q And died?

A After the cattle commenced dying they were brought in, & then they died.

Q Where was the Youndt & Hage's herding-ground?

A It was east from the Thompson herding-ground - a little north-east.

Q How far north-east?

A About two miles.

Q Those are the only cows that you know of dying - this & the one you speak of, dying north?

877

a Yes sir. The one that Mr Conkey & me examined - & those two, of that you are of the opinion, died of the milk-sick?

a I am of that opinion.

q If you hadn't made the post-mortem examination, you would have said it died of what?

a I couldn't have told, as I remarked before. Mr Conkey & myself said that they had the same appearance outwardly, as I say.

Cross-examination

By Mr Smith

q You have stated that it was some time in June when you took your cattle off this range?

a I stated the 29th of June.

q 29th of June?

a Yes sir.

q Took them home & turned them into an oats field?

a No sir I didn't say so.

q That is the way I understood you - oats field.

a No sir. I didn't say so. I said woods field.

q Did you sell those cattle, that

878.

- summer, or ship them off?
- a Yes sir part of them.
- q What time?
- a I sold & shipped part of them -
- q Yes - what time?
- a It was about the last of July.
- q About the last of July?
- a If my memory serves me right they were sold in New York, about the 18th of August. They started from my house, the last of July, & about the 13th of August they were sold in New York, that is two car loads of them - 38 head.
- q 38 head?
- a Yes sir.
- q The balance you kept that summer?
- a Yes sir.
- q No disease broke out among them?
- a No sir, those I kept that summer, & grazed them out, the balance of the summer, & fed them in the fall & sold them to Mr Eaton.
- q Was this pasture - this woods pasture that you brought the cattle home on - was that a fresh unpastured field, prior to the time you put those on?
- a Oh no. I have used it for a number

of years,

Q Had this posture been used, though, immediately before you turned them on?

A By nothing except some mules & some yearling calves.

Q Then it was, substantially, so far as those cattle were concerned a fresh posture for them?

A Yes sir.

Q In this neighborhood where you speak of you & Mr Conkey having first examined a cow which had some appearance of milk-sickness - or indeed all the indications of milk-sickness, with one additional appearance, I will ask you if it is not true that for a good many years there were cattle dying in that vicinity, north of town, of this disease called milk-sickness - occasionally - from time to time?

A Yes sir.

Q I will ask you if that is not what is called a "milk-sick" district?

A Yes sir, there is cattle dying there that we say have died from milk-sickness, & have for years.

880. q And this cow you examined up there had the same milk-sick appearance?

a After the examination,

q I will ask you if, south of the town, where these cattle have died down in the neighborhood of Col. Eaton's, Col. Sullivan's & Mr Porterfield's - through there - if there has been heretofore any thing known like this milk-sick disease among cattle down there, within your knowledge?

a I never heard of it occurring in the prairie - not in the south east prairie.

q Is it not true, as far as your experience has gone, that this disease is most usually & perhaps generally, confined to the woods - the timber districts?

a We so understand.

q I believe you have said that these two cows that died, ranged, one of them, with Thompson's herd, & the other with Young's herd?

a The same cow that Mr Conkey spoke of yesterday it was, & he spoke of two if I recollect; spoke

881.

of having two,

a) One of them was the same cow that Mr Leoney spoke of as having run out to the range of Thompson's, & the other one—

q) Running on Youndt's range?

a) Running on Youndt's range or Hatfield's which was last.

q) Do you know of your own knowledge where either of these cows ranged; or do you get your information from what others stated to you?

a) I get it from what others stated to me.

q) You don't know of your own personal knowledge?

a) No Sir, I didn't see them on the range.

And Thompson,

William Kile, a witness called on behalf of the Defendant, being duly sworn, was examined in chief by Mr Schofield & testified as follows:

Q Where do you reside?

a Edgar County.

Q What is your business?

a My business now is farming & dealing in stock, sir entirely.

Q What was your former business?

a I practised medicine, sir, for 20 odd years.

Q Have you had any connection with the Agricultural Society of this state for some years past, & if so what?

a I have been a member of our State Board of Agriculture since 1855 with the exception of two years & am now its presiding officer.

Q President now?

a Yes sir.

Q State if during these two years time you speaks of were you in the country?

a Part of the time I was in the Indian Territory & in Kansas.

883.

Q You were acting as Indian Agent?

A Yes sir.

Q State to the Court if you became acquainted there with what is known as Cherokee cattle?

A I did sir.

Q Give the Court a description of what kind of cattle they are - whether they are the same or what are commonly called Texas cattle, or different.

A In order to make it intelligible I must say that I was appointed by the Government to supply the refugee Indians, which were located where I took charge of them, immediately on the Osage lands, adjoining - within 10 or 15 miles of the Cherokee line. I had to furnish 10,000 rations of beef a day, & necessarily I had to buy all the beef I could find. There was an immense number of Cherokee cattle brought there by persons, or at least they said they got them there at the time I inspected them, & then we distributed &

- The different Tribes,
- Q State & the Court, if you please, what kind of cattle are generally called Cherokee cattle?
- A Cherokee cattle are entirely different from the Texas cattle, although there had been a great many Texas since the Traffic has commenced - since 1848, have been brought & left in -
- Q In the Cherokee country?
- A In the Indian country there, so now it gives something of the long horn character to the cattle of that country,
- Q How do they differ from the Texas cattle, so called?
- A They are differently colored, generally more spotted - flanked, & the horns are different - not so long; they are not so long legged; they are barrel - body is not so round as the Spanish cattle & they differ materially from them in their general appearance, having their origin, as I understand from intelligent half - bloods -

for example, Mr Boss - in cattle that were taken from the south when the nation emigrated from that country, probably in 1826, - I don't recollect exactly,

Q You have been handling cattle have you for many years past?

A Yes sir for the last 20 years, I have been handling cattle.

Q State to the Court if you are familiar with the disease cattle are ordinarily subject to in this country?

A I think I have probably as great a familiarity as any farmer in the country, of my capacity.

Q You may state to the Court if you are familiar with cattle commonly known as Texas cattle - have you seen great numbers of them?

A I have, I am sir. I have seen them in Texas, or on the borders of Texas, sir.

Q And in this country?

A Yes sir,

Q Were you a member of the

National cattle convention held at Springfield a short time since, a report of which, I believe has been here in evidence?

a I was sir,

Q Have you from your knowledge & your experience in handling cattle, or otherwise, an acquaintance with the disease commonly called Spanish fever?

a Personally I never saw a case, sir, but my connection with the State Board of Agriculture, -
Objected to,

Q You haven't seen any of the disease your self?

a No sir I have not.

Q Did you have some cattle shipped to Yoland during the spring or summer of 1868, & if so, what number & from what point?

a In the last of February or the first days of March 1868, my son & I went to the north-western ~~territory~~ portions of Missouri in the Counties, Henry, North & Ottawa, & probably some lots

887,

may have been picked up in
the adjoining countries

Q 1868 or 1869?

A The spring of 1868 sir, I assisted
in bringing probably 20 head of
them sir & left my son & fell
out the number & to fill & take
care of them.

Q Where did you next see those cattle?

A I next saw those cattle at
Jumney.

Q Where did you take them from
Jumney?

A I took them by rail to Golow,
they left Jumney on the 18th
of June & landed at Golow on the
afternoon of the 20th

Q Now sir, at the time that your
cattle arrived at Golow, please
to state to the Court, if there
were any Texas cattle in the
vicinity?

A When arrived my son put his
pony in the car with the cattle;
the pony was taken out, & an
Irishman that attended the gate -
we wanted the gate opened & get
the pony out,

probably ten minutes after the arrival, & feed him; he misunderstood the order, & left the gate open, & the cattle rushed out, just at that time the freight train came along & stampeded them, & I took after them on foot & went, probably, east of the town a half a mile, within a very short distance there was from 100 to 200 Texas feeding - or at least I judged them to be such. Mr Judah an acquaintance of mine, was there, & I asked him what cattle those were -

Objected to.

3 That is not material, unless he was doing something in connection with the cattle.

a He was at the time, & he had just driven 25 of them, or two cow loads.

3 In connection with that, state what he said.

Objected to.

Objection overruled

Exception by Plaintiff.

889, a

From a previous - my opinion formed of Spanish fever, previously, I felt some danger, sir, I asked Mr Judah, whose cattle they were, and he said they belonged to him. I inquired how long they had been there -

Objected to,

a He stated that they had been there 5 days: I inquired whether there was not a herder with them,

Q How state of your cattle in stampeding - where they ran - whether in every direction?

a In every direction, running, as I supposed, to mingle with them, but the weather being a little warm, I soon returned & hired a man,

Q The cattle out running yet?

a Yes sir,

Q Your cattle were not Texas cattle or Cherokee?

a No sir, they were picked up in small lots,

Q How long did your cattle remain there at Golond?

a My son took them immediately

ow,

Q What direction did he start with them?

A He started - I am not positive as to the point there, but I supposed south; he went to Bousers grove; my direction was to take them through the pastures of Mr Alexander.

Q You gave him these directions?

A Yes sir.

Q When did you next see these cattle of yours?

A I met them; this was on the 20th - 21st. I met them on the road south of Mr Alexander's farm at Mr Leulverson's, & took the cars & went around by Mattoon & Paris.

Q Where were those cattle put after you got to your farm?

A I put them in with cattle which belonged to myself & Mr Milliken - in another herd, a pasture that had been used.

Q How long did you keep them?

A We grazed them during the summer, fed them in the fall, & sent some to Buffalo.

891.

- + I think some to Pittsburgh,
- Q What time in the fall was it that you shipped?
- A Early winter - December or January; I don't recollect exactly.
- Q State to the Court if any of those cattle of yours became infected with disease in consequence of their association?
- A We had no disease among them of any kind.
- Q None at all?
- A None at all, sir.

Cross-examination.

By Mr. Smith

- Q These cattle that you saw there at Golown, said to be Dixon's cattle, you don't know where they were from, or how long they had been there, from your own knowledge?
- A Except from Mr. Judah, he told me -
- Q Well, I am not asking what he told you,
- A Well, I know nothing of it.
- Q As to your own knowledge you know nothing of where they

come from, how long they had been there, or any thing about it.

W. to Sir,

9 This designation - you speak of Spanish cattle as the same as Texas cattle. I will ask you if the cattle that are called Spanish & Texas by some - are they identical - understood to be the same in the Trade?

a Well Sir, The definition that I gave was of Cherokee cattle - Spanish cattle - The Texas cattle. Those are divided into three classes, the Sabine, those bordering on the Sabine river, are the descendants & spring from the cattle that were first taken to Aracapano, generally called Yuchapano cattle - that is in northwestern Louisiana. We find them smaller in size as a general thing - I am speaking of the general appearance - their horns not so long, & partaking more of the native cattle of this country.

Circuit Court
of
Cumberland County

James Gazel
vs.

John T. Alexander & al.

Wednesday + Thursday June 1st + 2nd 1870

Evidence of June 2nd continued
in Volume 3^d

4475

Index Vol 2.

Pitt	Dr. H. C. Johns	228. 332. 348.
"	W. A. Conkey	348. 363.
"	Sanford France	373. 383.
"	John Insley	386. 395. 402.
"	W. F. Hill	403. 415.
"	Nathl. Raymond	422. 443. 459. 459
"	John Insley (recalled)	462. 463.
"	Andrew Milliken	463. 470.
"	Dr. H. C. Johns "	473
"	Wm R. Wilson	473. 491.
"	Le. L. Eaton	497. 507
"	Jos. M. Sullivan	509.
"	Chas. Leonger	514. 520. 525. 527.
"	Jas. P. Mitchell.	528. 542.
"	D. B. Stogden.	567. 569. 573. 574.

Met pursuant to adjournment June 1st 1870

Acce Thropow.

Dr. Alephue a witness for the plaintiffs having been duly sworn, was examined in chief by Mr Smith and testified as follows:

q Where do you reside?

a In Macon County sir!

q What is your profession?

a I was educated as a physician.

q How long have you been engaged in practice as a physician?

a I practiced medicine for six years sir, and since that time have been engaged in farming, and I have been engaged in farming for the last fifteen or 20 years.

q I would ask you to state whether or no you have been engaged in raising stock for the last

few years, and if so how long?
 a I have been raising stock on a farm for a farm for ~~the last~~ about 20 years.

q What has been the extent of your dealings?

a From 1850 to 1861 I handled a great deal of stock - several hundred a year - sometimes two or three thousand. Since that I have had some on hand though not always so largely.

q I will ask you to look at that little book, and to state if that was written out by your authority?

a That is a report made by Capt. Brown of Sangamon County and myself

q I will ask to look and see if there is a letter from Bro C A Eaton.

a That letter on the fourth page is Mr. Eaton - a letter directed to Capt. Brown and myself.

q I will ask you if you have the original?

a Yes, Sir.

(copy of the letter contained in the pamphlet printed by Mr Johns was admitted; unless on examination verbal inaccuracies are discovered therein.)

Q Have you been examining into the diseases of cattle in the last three, four, five, or six years doctor?

A No, Sir, I have not.

Q I will ask you if during the year 1868, you made any investigation into what is called Texas fever or Spanish fever that brought out amongst the cattle in this country?

A Yes, Sir.

Q With whom did you make those investigations?

A With Capt. Brown.

Q By what authority did you assume to make and did you make the investigation into the disease of cattle that year

A The Illinois ^{State} Agricultural Society appointed Capt. Brown and myself Commissioners

q You were appointed as Commissioners by the Society for that purpose?

a Yes, Sir.

q I will ask you if in pursuance of that appointment, you proceeded to make investigations into the nature, character and extent of this disease; and if in pursuance of that, you did take upon yourself the examination of this matter?

a We made examination into the history and character of the disease.

q Did you make examinations and inquiries into its extent.

a Yes, Sir.

q Now, I will ask you how long was you engaged into that investigation, in discharging the duties of that commission?

a We commenced on the 4th of August, and made that report about the 1st of October - the last of September or the first of October I don't remember which.

q Now, I will ask you to state the date of the report, oh, the report

84

will show.

a The report was made at the State fair at Quincy. It was the State Board of Agriculture - during this fair at Quincy. Dr Kill can tell about that perhaps better than I can.

q Now, I will ask you to state, how extensive your investigations were in that portion of the country that you visited & where you made your examination into this disease

a Well sir, the first examinations were made upon the Broadland farm I believe.

q Is that farm of Alexandria?

a Yes, sir.

q You may just give a detailed history of your travels and where you visited.

a We visited the Broadland's farm spent a day upon that. and we went the next day to Colonel Sullivan's farm and spent the day there, and next day we were at Home. Seems to me we went first to Langamon County but.

didn't make any examination of sick or dead animals while we were there - we went to Mr Alexander's farm in Sangamon County, and from there to Golcho, and from there to the Broadlands farm, and then to Mr Sullivants and we spent the day in the vicinity of Homer, and returned home. The next week we were in Sangamon County at Mr Groves, at Jacksonville and a few days after that, I don't remember exactly the number of days we went to Kansas.

By Mr Schofield

State of ~~Illinois~~ Kansas?

a Yes, in the vicinity of Abilene and spent a week there, and on our return a day or two at Kansas City, a day at Sedalia in Missouri, and two days in St. Louis, after that we were two or three days in Chicago ~~in~~ about the Stock yards - I spent some time in the north part of Macon County examining
 of Now, I'll ask you, Doctor, if prior

to entering on the duties imposed on you by this Commission, if you at any time prior, within a few years, have been engaged in any commission investigating into the disease of cattle?

a I think it was in the 1865 - perhaps the fall of 1865 - that I was appointed by the State Agricultural Society to report upon the Rinderpest then raging badly among ~~the~~ cattle in England - I did spend some time at that - perhaps I didn't report till the early part of 1867 - the final report. If I remember right I made a report at the commencement of the Board in 1866, and then made a final report at the commencement of 1867.

q I'll ask to state whether in discharging the duties of the Commission you had occasion to study into the disease of cattle in this country, as well as in England?

a No, sir, I did not.

q You did not?

a No, sir.

87

Q Did you confine your observations at that investigation to that particular disease?

A That time I did - but it was only to the tracing up of the disease, I had no chance of personal observation. It was collecting information published in English papers.

Q You simply procured what you could of the history of the disease by reading - you observed no cattle -

A Yes, sir I didn't observe any cattle.

Q I'll ask you if Captain Brown accompanied you in your travels as to this part - as to this last did he accompany you?

A He did sir, except what I did in Macon County

Q I'll ask you to state if you please, if about how many cattle, if you have any means of recollect, or if you recollect, how many cattle that was said to be infected or that died of this disease called Spanish or

Texas from you examined after death, while engaged in this last commission?

a I don't believe I can state accurately, I think there was a detail of some eight or ten in this pamphlet, or examined others that there was nothing peculiar about, that we didn't make any notes of. I should think we saw open perhaps eighteen or twenty.

q Did you examine cattle, native or Texas cattle, at the same time which had not died - just as to the native cattle, did you examine any native cattle which had not died or which were not sick with this disease at the time of examination?

a Yes sir, we did.

q I will ask you if you examined the Texas cattle, any of that class known as Texas cattle, before death, before they had died, if you had any slaughtered for the purpose of examination?

a Yes Sir, one slaughtered at Colonel Sullivan's farm, and one slaughtered in Kansas

q Now I believe you stated that the first place you visited after your return from ~~Kansas~~ Jacksonville after visiting Mr Alexander's farm there, you went to Broadland's farm - Mr Alexander's farm in Champaign County?

a Yes Sir.

q Did you make any examination of diseased cattle there?

a We did Sir, we dissected two or three there the first day.

By Mr Schofield

Where was that?

a In the Broadland's farm

q Who was present at that examination if you recollect?

a Mr Eaton was with us - I don't remember there must have been some other persons present - some of the hands that helped - But I don't think on the Broadland's farm there were any other gentlemen - Col. Sullivan came there that day but it seems to me he came after we had

90

made the examinations - That's my recollection.

Q What kind of cattle did you examine there, doctor, Nation or Texas?
a Nation.

Q Whose cattle were they?

a Said to belong to Mr Alexander.

Q Where had they died - did you know?

a In the pasture.

Q On the farm?

a On the farm.

Q Were there any Texas cattle upon the farm at that time?

a Yes, sir.

Q I'll ask you if you know - of your own information, or from the statement of Colouel Eaton, if you know, where these cattle came from?

a They were part of them had been brought from Abilene Kansas. The other he spoke of as having been purchased at Tolous.

Q Was there anything said as to where they had been purchased?

a During the spring preceding or the early part of the summer.

q The spring of 1868.

a Yes, Sir.

q Are you acquainted with this class of cattle known as Texas cattle, doctor, from your own observation?

a Yes, Sir.

q I'll ask you to state what kind of cattle they were, as distinguished from nation on Mr Alexander farm there?

a They were long-horned Texas cattle differing a little in color, and a good deal in shape from the nation cattle.

q Now with reference to the cattle brought from Abilene Kansas, how did they come to be called Abilene cattle 'doctor' I wish you would state to the court how it comes that they were given that designation. I noticed it in your report or perhaps in the letter there.

a Abilene is a station on the Pacific Road and some enterprising gentlemen have put up some

92

stock yards, - shipping goods there and made it a convenient place for the drovers of Texas to come to that vicinity and sell their cattle there and have them shipped there east and a great number of cattle are brought there. There was some 25-000 in that vicinity while we were there. It is the head quarters for the sale.

Q. They are brought up through the Texas to these yards, and quarantined there for the eastern market?

A. Yes, sir.

Q. I'll ask you if they are known there as this class of Texas cattle?

A. ~~Yes, sir.~~ They are.

Q. Are the cattle there called Texas cattle - or - so the cattle there are really Texas cattle?

A. I think they are, sir.

Q. How many ^{Texas} cattle was on Mr Alexander's and Sullivan's farms there at the time you made the investigation, if you

Know?

a About 4,000

q About 4,000?

a Yes sir.

q On the place at that time?

a Yes, sir.

q Do you know from your own knowledge or from statements made by Mr Eaton about the time they were brought there?

a Not from my own knowledge

q You don't recollect from his statements? Do you recollect what time he said they were brought there?

a Yes sir, they were brought there about the first of June - during the month of June mostly.

q Who had charge of the farm, who was in possession of the premises there?

(It is here admitted by counsel that Mr Eaton was ^{the} Superintendent of Broadland's farm and, had charge thereof during the year 1868 as the agent of Mr Alexander.

q Now I'll get you to state if you please - just give the count

take your own course - and that entirely without any question - give the Court the result of your observations that you made in your tour of examinations and inspections as to the character and nature of this disease - how communicated - and generally all you know about it - I will not interrupt you.

a All the information I have is in that pamphlet.

q Will not be able to use all that doctor, in evidence unless the parties will consent that it ~~will~~ be taken. There is an objection made to introducing the report - so that it will become necessary to repeat it if you please; what did you discover in the examination? It will be well perhaps to state them in the order in which you made them. You can use your report then in any way you like for the purpose.

a We spent the evening at Broadlands farm in making enquiries as to the character of this disease -

and in the morning went into the field and saw a great many diseased animals.

By Mr Schofield

When was that visit?

a That was about the 11th or 12th of August, I left home on the 18th this was about the 12th - 11th or 12th of continue, if you please, with your statement.

a The first I remember that we examined was one that had fallen down by the water, that wasn't quite dead - that one we removed on to the dry ground and bled it, and dissected - Here was as far as I could see nothing peculiar in its physical signs, in the symptoms of sick animals that were about the pasture - seemed to me they acted like any or all sick animals - But when we came to dissect them we found pathological symptoms characteristic of this disease, and that was the diseased spleen, and we found the difference in the blood.

In the healthy animals, being thinner and lighter colored - did not coagulate. The liver was diseased enlarged - the gall bladder very full of dark thick bile - unnatural though in numbers that had died, we found it very much thickened.

By Mr. Schofield.

That was the gall-bladder?

a The gall. Some animals we killed after, we found it darkened, but not so viscid - not so thick as in the ones that had died of the disease. We found the urinary bladder full of a dark colored fluid - dark port wine color - I don't think anybody would call it really mixed with blood. The generally appearance of animals opened was that of bile mixed with the fatty tissues - a yellowish appearance - There was not any material difference in those animals we examined on the Broadland farm. I think there was a little difference when we came to examine

the animals on Colonel Sullivanti farm, but not a very marked difference. In opening all the animals we examined there was an absence of the characteristic smell of the urine of cattle. That characteristic was absent - there was very little. Upon Colonel Sullivanti farm we examined a young bull that had died, and the appearance was not very materially different from those that died on the Broadland farm. We afterwards killed one that seemed just a little sick - been complaining three or four days. In that case the urine was not so dark ~~and~~ nor the contents of the gall-bladder were so dark. That one showed very little disease of the fourth stomach, a little reddening and some little inflammation about the heart. We killed one after that, that was very sick barely able to walk - could walk with difficulty - He had the same general appearance except in

98

in degree. He was a little darker than the previous one.

Q That was on Colonel Sullivan's farm?

A Yes, sir. There was some little difference in appearance but what I have said would answer for them all.

Q I'll ask you a general question doctor, - If your investigation of these cattle which were said to have died from this disease, whether at Colonel Sullivan's or at Mr Alexander's ~~as~~ well as at other places, whether or no these dead cattle present the same general appearance upon dissection?

A The same, yes, sir.

Q I'll ask you if from that experience you think they died from the same disease?

A I think they did, sir.

Q Now I'll ask you to state further, doctor, if from your observation of the diseased cattle, and the condition of the cattle generally, what disease did they die ^{with?}

316 a From the fact of my

knowledge, they died of some disease contracted by following those Texas cattle.

9 Now, from that point I'll get you to state what you may wish to state, or what you know about the manner in which this disease was contracted by them, how they contracted and under what circumstances, and in what condition it was necessary to contract the disease by the nation's cattle from following or pursuing the Texas cattle. State what your observation has been on that point.

a The best of our information that we could get it was necessary that the nation's cattle should graze upon the ground occupied by the Texas cattle - that they were grazing upon or had grazed upon.

9 You may state whether the following and grazing upon the ground passed over by Texas cattle was in your judgment I will ask you to state whether if nation's cattle grazing upon the grounds which

presume of the facts along the trail of cattle following from Tolono.

Q Stated that the result had been the same, that the native cattle had died on the trail to his farm - to his cattle.

By Mr Schofield.

No, No

Q What trail did he say - what did he say about the disease following the trail of these cattle if anything?

A Mr Eaton met us in Tolono, and brought us out in his wagon to Mr Eatons, and showed us as we come along out one of the trails that the Texas cattle had followed on, and explained to us that the cattle all along had died. I believe we saw but two on our way out.

Q Two live cattle?

A Yes, sir! They were in an enclosure on the side of the road. He didn't say that his cattle had followed the Texas cattle or that ~~road~~ trail, but that was the trail the Texas cattle had gone off on.

Champaign Ill Dec 16. 70.
Mrs A. Lyman Esq
Springfield Ill.
Dear Sir:

I enclose
you the authority from Mr. Sweet
to allow me to keep the record off
the file to make up my abstracts.
Also return one of the notes
issued by you - I left the
opinions you were kind enough
to send here at the Island with
the Clerk with directions to hand
to you - Read the Cook Co note.
Yours very truly
O B Smith

Also find the entry of appearance
of all the debts herein enclosed
in Yeazell or Nevada st. at.
Please file it

OBS

THE GARDEN SPOT OF THE GARDEN STATE.

Its Location, Soil and Products; Its Principal Town and Its Business.

Agricultural Dealer.

ANGLE & SABIN,
57 Main Street.

Attorney at Law.

C. B. SMITH,
Office over Gardner's Bank.

Bankers.

D. GARDNER & CO.,
No. 5 Main St.

Books and Stationery.

E. V. PETERSON,
No. 7 Main St.

Boots and Shoes.

D. RUGG,
No. 51 Neil Street.

Coal Dealer.

B. C. BEACH.

Dentist.

O. F. BRITTON,
Nos. 1 & 3 Barrett Block.

Druggist.

H. SWANNELL,
No. 1 Main St.

Furniture and Planing Mill.

WALKER BROS.,
Neil Street.

Flour and Feed Dealer.

WM. C. BEST,
University Avenue.

Grocers.

POLLOCK & DODSON,
No. 75 Neil St.

Grain Dealer.

J. BACON.

Hardware.

TREVETT & GREEN,
No. 35 Main St.

CHAMPAIGN COUNTY.

ITS LOCATION.

The large and beautiful county of Champaign, already celebrated throughout the State and country for its fine cattle and fertile soil, is situated in the eastern portion of Central Illinois, and forms a geographical centre of the famous Grand Prairie. It contains a thousand square miles, or 645,120 acres,—of mingled prairie and timber, well watered by the Sangamon, Vermillion, Kaskaskia, and Embarrass rivers, and their branches. The streams are skirted with excellent timber, which with the numerous groves make about 100,000 acres of woodland.

ITS GROWTH.

Its rapid growth during the past 10 or 15 years, in population and wealth, is perfectly marvelous and makes it the wonder of the State. This, however, may in a measure be accounted for by the reason of its fine soil, bounteous crops, excellent railroad facilities and enterprising and public-spirited citizens.

THE SOIL.

The soil presents very marked characteristics, and to a depth of from 12 to 24 inches consists of a rich black loam remarkably adapted to the production of corn, wheat, rye, oats, barley, sorghum and tame grasses, while tobacco, flax and hemp may also be cultivated with profit. Fruit does better than in average localities and an abundance of apples, peaches and pears, and small fruits in great variety and profusion, are each year produced.

EDUCATION.

The important matter of education has taken a leading position. The General Government endowed this County with one section of land (640 acres,) in every township for the support of public schools, consequently, there is no city, town, or village in the county not in possession of first-class educational facilities, while every neighborhood, almost, can also boast of a good school. As a heart, or center, for our educational system we have the Industrial University, a State institution located at Champaign, endowed by the Government and State for the benefit of the industrial classes and making it its main object to teach such branches as are related to agriculture, and the mechanic arts, yet none of the classical or scientific studies are excluded, thus insuring to students a liberal as well as practical education.

RAILROAD FACILITIES.

The Chicago branch of the Illinois Central R. R. runs through the center of the county north and south; the Toledo, Wabash and Western R. R. passes through the southern half of the county east and west; the Indianapolis, Bloomington and Western R. R. runs east and west through the centre of the county, crossing the I. C. R. at Champaign, while the Champaign, Monticello & Decatur, leading southwest through the county from the last named place, is in rapid course of construction.

POPULATION.

In 1840 the population of Champaign County was 1,475; in 1850 it was 2,649; in 1860 it was 14,948, and at the present time is not less than 33,000, showing an increase unprecedented in the history of any county. It is estimated that the crops of this year alone, will amount to 3,000,000 bushels of corn, 300,000 bushels of wheat, 150,000 bushels of oats, 10,000 bushels of rye, 75,000 pounds of wool and 12,000 pounds of tobacco, besides other small grain in abundance.

REAL ESTATE AGENTS.

EADS & WILCOX,

No. 5 Barrett Block.

THE VOTE.

In 1860 the vote of the county stood as follows: Lincoln 1,793, Douglas 1,221, Bell 25 and Breckenridge 25. In 1864, Lincoln received 2,116 votes and McClellan 1,133. In 1868, Grant received 3,250 votes and Seymour 2,125.

CHAMPAIGN CITY.

Its Location and Local Institutions and Establishments.

Champaign, located 128 miles south of Chicago, at the crossing of the I. C. R. R. and I. B. & W. railroads, is one of the most beautiful cities of the west, and one of great enterprise and thrift. Estimated population about 8,000. Surrounding the city is some of the finest farming lands in the West. The country is highly improved. Two miles eastward is Urbana, the seat of justice of Champaign county. The two cities are connected by a street railway. Champaign has ten churches, viz. Presbyterian, two Methodist, Congregational, Roman Catholic, two Baptist, two German, and one colored; two public schoolhouses, large structures, each having several departments, and accommodating, in the aggregate, twelve hundred children; and a young ladies' seminary, having over fifty pupils; four grain warehouses with steam elevators, two agricultural warehouses, three hotels, two newspapers, a national and three private banks, five lumber yards, five coal yards, two hay presses, two broom-corn presses, two planing mills, woolen mill, flouring mill, six blacksmith shops, three carriage factories, two furniture factories, two harness shops, four livery stables, and upwards of fifty stores for the sale of every description of merchandise.

THE INDUSTRIAL UNIVERSITY.

The Illinois Industrial University, located midway between Champaign and Urbana, was opened for students on the 2d of March, 1868. This institution, established for the benefit of agriculture and the mechanic arts, was endowed by the General Government with 480,000 acres of public land, and, by the county of Champaign, private individuals, and corporations, with buildings, land, and other property, of the aggregate value of \$450,000,—exceeding in amount the cash value of the original gift by Congress. Each county in the State is entitled to one honorary scholarship, for the benefit of the descendants of soldiers who served in the army of the United States during the late war. Prize scholarships have been endowed by counties, and a lively interest is manifested throughout the State in all that relates to the success of the institution.

SHIPMENTS.

In 1869 the shipments from this station exceeded 35,000 tons weight, comprising 550,630 bushels corn, 185,770 bushels oats, 65,580 bushels wheat, 15,200 bushels rye, 19,400 bushels barley, 3,803 beef cattle, 17,216 hogs, 3,531 sheep, and 170,200 lbs wool. A railroad is in progress to Decatur, making this a great railroad center, and the market for all the surrounding country. There is a coal vein here.

MANUFACTORIES.

The manufacturing interests of Champaign are, but yet, in their infancy. Such establishments now in operation are doing well, but there is a growing demand for more of them and for a greater variety. Those enumerated above show what are here and also indicate, to some extent, what are needed. Capital invested at this point in such establishments will pay a rich return and afford the investors a speedy and sure profit.

Hotel.

DOTY & MITCHELL,
Doane House.

Insurance Agents.

MILLER & THOMAS.

Jeweler.

L. C. GARWOOD,
No. 13 Main St.

Lumber Dealer.

M. E. LAPHAM,
Cor. University Ave & Market St.

Livery.

PHILLIPS & BRO.,
No. 66 Walnut St.

Lime Dealer.

H. PEDDICORD.

Dry Good Merchants.

BEASLEY & CO.,
No. 3 Barrett Block.

Manufacturer

of all kinds of Confectionery

B. W. HAMLIN,
18 Main Street.

Physicians.

HOWARD & MARTYN,
Church & Neil Sts.

Publishers.

FLYNN & SCROGGS,
Champaign Co. Gazette.

Official Paper of the Co.

Saddles and Harness.

GEO. E. HESSEL,
No. 43 Main Street.

Tinware and Stoves.

J. S. MILLER,
No. 80 University Avenue,
East side R. R.

Wagon Maker.

GEO. ELY,
Between South & First Main St

Supreme Court of Illinois,

Central Grand Division.

JANUARY TERM, A. D. 1871.

JAMES YEAZEL

vs.

JOHN T. ALEXANDER *et als.*

} ADDITIONAL ABSTRACT.

The following additional abstract is filed by the defendants :

The quotations from the original abstract are in italics.

The references are to the paging of the Abstract, and marginal paging of the record :

117 Mr. Thompson, witness for the plaintiff, on his cross-examination, in speaking of
123 Sullivant's cattle, says: "They did not pass over my few acres." Again he says: "*Some*
Abst19 *of them were at the trail and crossed over it at the day (not time) the Texas cattle were*
driven along there. I don't know that any of them were on the trail at the time the
Texas cattle passed. They did not drive them where mine were grazing.

128 "I believe Col. Sullivant herded his cattle."

131 Thompson further says: "After seeing the Texas cattle pass, I herded mine on the
same ground."

133 And again: "I don't recollect any of my cattle getting with Sullivant's drove. I
think they mixed a little with the cattle of Eaton; don't recollect their getting mixed
with any other herds.

137 "Eaton's cattle were kept in his enclosure."

662 Eaton, witness for defendants, says: "*At the time I purchased these cattle, I had*
 Abst68 *no knowledge, not the least suspicion, that they would communicate disease.*"

704 Again: "There is a marked difference between these (Aboline) cattle, and the
 other cattle called Texas cattle."

711 Again: "*The statements made by me at the meetings and other places, that the*
 Abst68 *evidence was against the Texas cattle, were as near the truth as I could make them and*
save my neck and property—I think they were substantially (not undoubtedly) true."

716 "It seemed to be the sole object of the meetings I attended, to compel us to pay
 them the full price of their cattle; we resisted the demand to some extent, and submitted
 to some extent.

724 "No cattle died which were exposed to the Aboline cattle only."

758-9 Sidell, witness for defendants, says: "*I bought none (instead of more) in Texas in*
1868."

774 "I lost thirty or forty native cattle."

782-3 Eaton: "*In coming from Homer, after we leave the highway, going to Broadlands,*
 Abst74 *we cross a piece of land a half mile upon lands of (not from) Col. Sullivant's,*" &c.

787 Sullivant, witness for defendants: "*I bought them (the Texas cattle) of Sidell, or,*
 Abst78 *rather, he let me take them from him. He said I could take that lot of cattle, and he*
would wait and take another."

812 "My native cattle had been exposed to other Texas cattle all summer, before I got
 mine (Texas cattle) home.

819-20 "Yeazel said at Homer that he felt he could put a rope around his (Sidell's) neck
 if he was his own brother."

JOHN SCHOFIELD,

O. B. FICKLIN,

E. L. SWEET,

Attorneys for Defendants.

47

Geazell
vs
Alexander et al.,

Additional Abstract

FILED
JAN 26 1871
W. D. CURNEY,
Clerk

Supreme Court of Illinois,
Central Grand Division.

JANUARY TERM, A. D. 1871.

JAMES YEAZEL
vs.
JOHN T. ALEXANDER *et als.* } ADDITIONAL ABSTRACT.

The following additional abstract is filed by the defendants :

The quotations from the original abstract are in italics.

The references are to the paging of the Abstract, and marginal paging of the record :

Mr. Thompson, witness for the plaintiff, on his cross-examination, in speaking of
117 Sullivant's cattle, says: "They did not pass over my few acres." Again he says: "*Some*
128 *of them were at the trail and crossed over it at the day (not time) the Texas cattle were*
Abst19 *driven along there.* I don't know that any of them were on the trail at the time the
Texas cattle passed. They did not drive them where mine were grazing.

128 "I believe Col. Sullivant herded his cattle."

131 Thompson further says: "After seeing the Texas cattle pass, I herded mine on the
same ground."

133 And again: "I don't recollect any of my cattle getting with Sullivant's drove. I
think they mixed a little with the cattle of Eaton; don't recollect their getting mixed
with any other herds.

137 "Eaton's cattle were kept in his enclosure."

662 Eaton, witness for defendants, says: "*At the time I purchased these cattle, I had*
 Abst63 *no knowledge, not the least suspicion, that they would communicate disease.*"

704 Again: "There is a marked difference between these (Aboline) cattle, and the
 other cattle called Texas cattle."

711 Again: "*The statements made by me at the meetings and other places, that the*
 Abst68 *evidence was against the Texas cattle, were as near the truth as I could make them and*
save my neck and property—I think they were substantially (not undoubtedly) true."

716 "It seemed to be the sole object of the meetings I attended, to compel us to pay
 them the full price of their cattle; we resisted the demand to some extent, and submitted
 to some extent.

724 "No cattle died which were exposed to the Aboline cattle only."

758-9 Sidell, witness for defendants, says: "*I bought none (instead of more) in Texas in*
1868."

774 "I lost thirty or forty native cattle."

782-3 Eaton: "*In coming from Homer, after we leave the highway, going to Broadlands,*
 Abst74 *we cross a piece of land a half mile upon lands of (not from) Col. Sullivant's,*" &c.

787 Sullivant, witness for defendants: "*I bought them (the Texas cattle) of Sidell, or,*
 Abst78 *rather, he let me take them from him. He said I could take that lot of cattle, and he*
would wait and take another."

812 "My native cattle had been exposed to other Texas cattle all summer, before I got
 mine (Texas cattle) home.

819-20 "Yeazel said at Homer that he felt he could put a rope around his (Sidell's) neck
 if he was his own brother."

JOHN SCHOFIELD,

O. B. FICKLIN,

E. L. SWEET,

Attorneys for Defendants.

47

Geazell
vs
Alexander Shalz

Additional Abstract

FILED

JAN 26 1871

W. A. TURNER

Clerk

State of Illinois, Supreme Court, } SS.
Central SECOND GRAND DIVISION.

THE PEOPLE OF THE STATE OF ILLINOIS,

TO THE SHERIFF OF Morgan COUNTY:

Because in the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Cumberland County, before the Judge thereof, between James Geazel Plaintiff

John T. Alexander, Charles L. Eaton, John Sidell & Joseph M. Sullivan

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

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 Springfield, 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 Defendants

that they be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Springfield, in said State, on the first Tuesday after the first Monday in January next, to hear the records and proceedings aforesaid, and the errors assigned, if they shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then and there the names of those by whom you shall give the said Defendants notice, together with this writ.

Charles B. Lawrence
Witness, SIDNEY BREESE, Chief Justice of
our said Court, and the seat thereof, at Springfield, this
12th day of December
in the year of our Lord, one thousand eight hundred and
sixty-seventy-

Wm. A. Turner Clerk of the Supreme Court.

State of Illinois 358
Morgan county

executed the within writ by reading the same to the within named defendant, John S. Alexander as I am therein commanded on this the 15th day of December A.D. 1870 - the other defendants mentioned therein not found in my county at this date

Benj Pyatt Sheriff Morgan Co

C. B. Smith

47
SUPREME COURT
Central SECOND GRAND DIVISION.

James Vogel
vs.
Plaintiff in Error.

John T. Alexander
vs.
Defendant in Error.

SCIRE FACIAS.

Filed Dec. 30th 1870.

W. A. Thurney
Clerk S. C.

Off Fees \$6.00
Paid by Plff wth
C. B. Smith

riding 50
12 miles 60
return 10
\$1.20

Sheriff fees Paid by Plaintiff at \$7.50
C. B. Smith

Benj Pyatt Sheriff Mo

State of Illinois, Supreme Court, } SS.
Central SECOND GRAND DIVISION.

THE PEOPLE OF THE STATE OF ILLINOIS, }
TO THE SHERIFF OF *Vermilion* COUNTY:

Because in the record and proceedings, and also in the rendition of the judgment of a plea which
was in the Circuit Court of *Cumberland* County, before the Judge thereof, between
James Geazel ——— Plaintiff
and

John T. Alexander, Charles L. Eaton
John Bidell & Joseph M. Sullivan
Defendants, it is said that manifest error hath intervened to the injury of the said Plaintiff.

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 Springfield, 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 *Defendants*

that *they* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to
be holden at Springfield, in said State, on the first Tuesday after the first Monday in January next, to hear
the records and proceedings aforesaid, and the errors assigned, if *they* shall think fit; and further to do
and receive what the said Court shall order in this behalf; and have you then and there the names of those
by whom you shall give the said *Defendants*
notice, together with this writ.

Charles B. Lawrence
Witness, *SIDNEY BREESE*, Chief Justice of
our said Court, and the seat thereof, at Springfield, this
12th day of *December*
in the year of our Lord, one thousand eight hundred and
sixty-two.

Wm. A. Cherry Clerk of the Supreme Court.

7.21
2.33
4.40

State of Illinois }
Vermilion County } ss

I have served this writ this
14 Day December A D 1870

Shruff fee

Sheriff's fee 1.50

McLary 5.00

Return \$ 1.00

Paid by C. B. Smith

By reading to the within named

John Sidell & Joseph M. Sullivan

Commodore

John W. Allins Sheriff

By Lewis W. Denny Deputy

47

SUPREME COURT

Central SECOND GRAND DIVISION.

James Yeazel

Plaintiff in Error.

vs.

John T. Alexander

et al

Defendant in Error.

SCIRE FACIAS.

Filed Dec. 19th 1870

W. A. Turney Clerk S. C.



State of Illinois, Supreme Court, } SS.
Central SECOND GRAND DIVISION.

THE PEOPLE OF THE STATE OF ILLINOIS,

TO THE SHERIFF OF Champaign COUNTY:

Because in the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Cumberland County, before the Judge thereof, between James Hazel Plaintiff

John T. Alexander and Charles L. Eaton
John Sidell and Joseph M. Sullivan

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

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 Springfield, 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 Defendants

that they be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Springfield, in said State, on the first Tuesday after the first Monday in January next, to hear the records and proceedings aforesaid, and the errors assigned, if they shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then and there the names of those by whom you shall give the said Defendants notice, together with this writ.

Charles B. Lawrence
Witness, ~~SYDNEY BREESE~~, Chief Justice of
our said Court, and the seat thereof, at Springfield, this
12th day of December
in the year of our Lord, one thousand eight hundred and
sixty Seventy.

Wm. A. Turner Clerk of the Supreme Court.

SUPREME COURT

SECOND GRAND DIVISION.

James Keazel

Plaintiff in Error.

vs. John T. Alexander

et al.

Defendant in Error.

SCIRE FACIAS.

Dated Dec. 19-70

W. A. Murray Clerk S. C.

I have duly served this writ on the within named Charles De Catyn by reading the same to him this 14th day of December 1870
The within named John T. Alexander Joseph W. Sullivan and John Sidell not found in my County

Fees Sern 75 -
Habeas 2 50
Filer 1 00
\$3 35

Paid by C. B. Smith
Plaintiff's atty

W. C. Cox Sheriff
Champaign Co
Ills

State of Illinois.
Central Grand Division,
Supreme Court.

Of the
January
Term A.D. 1871.

James Geagel.

vs.
John T. Alexander.
Charles L. Eaton.

John Sidell
Joseph M. Sullivan

} Error to
Cumberland
County—

We hereby waive
process, and ^{enter} the appearance
of the above named defendants,
John T. Alexander, Charles L. Eaton,
John Sidell, and Joseph M.
Sullivan, to the above entitled
suit, now pending in the Sup^r
Central Grand Division, of the
Supreme Court of the State of
Illinois, on writ of Error to
Cumberland County, Illinois.
This 14th day December A.D. 1871—

Edw Sweet &
John Scofield junr.
Attys for depts

Lamin Geagel

vs.

John J. Alexander
et al

Entry of appearance
of Defts.

Filed Dec. 19 - 70

W. A. Tunney

clerk

State of Illinois, } Of the year
Central Grant Division } Term 1874.
Supreme Court.

James Geazle &

v.
John J. Alexander & al

Witness A. T. J. Esq
Sir: I have no objection, to permitting
the record, to be taken from the files
in the above entitled Cause, by the
att. for the purpose of preparing this
abstract.

Yours Truly
A. T. J. Esq
Dec 16th / 75

Leave to take
Reserve from
files

Filed Dec. 19-70.

W. N. Turney

all