

His Excellency

A. B. Moore -

Your petitioners, citizens of the County of Macon, respectfully represent - That at the last term of the Circuit Court of said County, James F. Kapp, a citizen of Demopolis, was convicted of the offence of carrying concealed about his person a pistol, and fined \$250.⁰⁰. Your petitioners pray your Excellency to remit all of said fine except \$50.⁰⁰ & for the following reasons.

They are well acquainted with said Kapp, he having been raised from his boyhood in said town - He is about twenty three or four years of age - has ever borne the character of an industrious, peaceable man, - has no property - and is dependent upon his daily labour, as a printer, for his support -

That at the same term of said Court another person was convicted of the same offence by the other jury of the week & fined only \$30.⁰⁰ and your petitioners are informed of no reason why the one should have ^{been} fined so much more than the other -

Your petitioners represent that

They are all acquainted with the circumstances under which he carried the pistol, and they are convinced that he believed it was necessary for him to do so, to protect himself against the abuse of an adversary vastly his superior in strength - And they are advised that altho' there was some conflict in the ~~and~~ testimony of Richardson (the prosecutor) & the only other witness introduced upon the trial, the facts developed were substantially as follows -

Kapp had been informed that Richardson, whom he had known for a great while, & with whom he had always been on friendly terms, was abusing & traducing him in violent & insulting language - That he desired an interview with Richardson to learn the cause of his abuse - That he accosted Richardson in calm and polite terms, and asked him for an explanation of his conduct - That Richardson flew into a violent passion - denounced Kapp - refused to make any explanation - and told him that if he spoke to him he "would knock his head across the street" - advanced one step forward with his hand raised, as if to strike - when Kapp drew his pistol - These are the

facts as deposed to by one Board who was a witness for the state, and conflicted with the evidence of Richardson, alone as his advance upon Kapp, "with his hand raised as if to strike" - and as to the language used by Richardson at the interview -

The presiding judge charged the jury that these facts did not make out a defence under the statute.

Your petitioners believe that justice will be promoted by granting the prayer of this petition.

July 14. 1858 - S

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I know nothing of the facts stated within, he has not been present at the trial nor have I seen any witness present state the facts.

I know Mr. Kapp & am satisfied he has to make his living by his personal labor & is ill, able to pay the amt of the fine - for this reason I would be glad to see the fine reduced to \$50. As Mr. Kapp with the cost would be as much as he could conveniently pay, H. Lyon.



James T. Kapp.

Marengo Co

Petition for
Remission of
Taxes

185-8