

12205

No. _____

Supreme Court of Illinois

Cockran

vs.

Ammon

71641  7

John Cochran } Appellant
 vs
 Jacob Ammon }
 Elizabeth Ammon } Appellees.

And now come the said
 Appellant and say that in the
 records and proceedings and in the
 rendition of the Judgment aforesaid in
 this Cause there is Error in this to wit

Said Court Ends.

1st In Admitting Evidence of the Pecuniary
 Circumstances of the Plaintiff, below

2nd In Overruling the Appellants Motion
 for a new trial

He therefore prays that the
 said Judgment may be reversed annulled
 set aside & wholly for nothing esteemed.

J. M. Thayer
 Atty for Appellant

John Cochran = Appellant
as
Jacob Ammon = Appellee
& Elizabeth Ammon = Appellee

And now come the said Appellees
And say that in the Record and
Proceedings And in the rendition
of the judgment aforesaid there
is no Error And they therefore
pray that the said Judgment may
be in all respects affirmed

Richmond & Burns
Attys for the Appellees

Pleas before the Honorable circuit court of Marshall county in the State of Illinois. Began and holden at the City of Lacon on the Eleventh day of April in the year of our Lord eighteen hundred and fifty four. at the court house within and for said county.

Present the Honorable Edwin S Leland Judge of the ninth judicial circuit of the State of Illinois William H Wallace States attorney for said circuit Greenberg L Fort clerk of said court for said county and Henry L Lerone Sheriff of said county.

Be it remembered that heretofore to wit on the 13th day of March A.D. 1855. came Jacob Ammon and Elizabeth Ammon his wife by Samuel S Richmond their attorney and filed in the office of the clerk of the circuit court of Marshall county in the state of Illinois ~~his~~ a precept for summons which is in words and figures as follows to wit

State of Illinois }
Marshall County } And circuit court thereof to
the aprie Term AD 1854.

Jacob Ammon &
Elizabeth Ammon his wife }

Plsiffe

vs

Trespas.

John Cochran

Abijah Lyon

David McManners &

Wanta Abrahamson }

Damages. \$1000.00

L. G. Fort Esq.

Clk Circuit Court

Issue a summons in
Trespas in the above entitled cause against said
defendants returnable to the above mentioned Term
of said court Put the damages at one thousand
dollars.

March 8. 1854.

L. S. Richmond

Atty for Plffs.

Whereupon a summons was issued by the
clerk of said court which together with the
endorsements thereon is in words and figures
as follows "To Wit"

Summons The People of the State of Illinois to the Sheriff
of Marshall County Greeting.

We command you to

summon John Cochran Abijah Lyon
David Mc Manners and Shwanta Abramson
to appear before our circuit court on the first
day of the next term thereof to be held at Lacon within
and for the said County of Marshall on the 10th
day of April next then and there in our said
court to answer Jacob Ammon and Elizabeth
Ammon his wife in a plea of trespass. Damages
one thousand dollars as they say.

Hereof fail not and make due return of
your doings hereon. Witness
S.S. Greenberg's L Port clerk of our said
court, and the seal thereof at Lacon
this 13th day of March in the year of
our Lord one thousand eight hundred
and fifty four.

Green L Port clerk

Return I have served this writ by reading the same to the within
named John Cochran Abijah Lyon & David
McManners on this 17th day of March AD 1854, as
within commanded. Shwanta Abramson
not found in my County
Sheriff's fee service \$ 1.50

miles travel 130

Ret of this writ 10
2.90

Henry L Crane Sheriff of
Marshall County Ill.

Filed April 10th AD 1854.

Green L Port clerk

Be it remembered that heretofore to wit on the
18th day of March AD 1854 came the Plff by
S L Richmond and filed herein their Declaration
which is in words and figures following
that is to say.

State of Illinois }
Declaration Marshall County } & And circuit Court thereof

to the April Term AD 1854.

John Cochran Abijah Lyon David McMormore
and Franky Abramson the defendants in this
suit were summoned to answer Jacob Ammon
Elizabeth Ammon his wife the Plaintiffs in
this suit of a plea of trespass. and thereupon
the said Jacob Ammon and the said Elizabeth
Ammon his wife by S L Richmond their
attorney complain. For that said defendants
on the first day of December in the year of
our Lord one thousand eight hundred
and fifty three with force and arms assault-
ed said Elizabeth Ammon there and still
being the wife of the said Jacob Ammon to wit
at the county of Marshall in the state of
Illinois and there & then beat bruised,
wounded and ill treated her. so that her
life was then and there greatly endangered
and other wrongs to the said Elizabeth
Ammon. then and there did against the
Peace of the People of the State of Illinois

2 And also for that said defendants on the seventh day of December in the year AD 1853. with force and arms assaulted the said Elizabeth Ammon then and still being the wife of the said Jacob Ammon to wit at the County of Marshall in the State of Illinois and then and there beat bruised wounded and ill treated her so that her life was then and there greatly endangered, and other wrongs to the said Elizabeth Ammon, then & there did against the peace of the People of the State of Illinois.

3 And Also for that said defendants on the Eighth day of December in the year AD 1853. with force and arms assaulted the said Elizabeth Ammon then and still being the wife of the said Jacob Ammon to wit at the County of Marshall in the State of Illinois and then and there beat bruised wounded and ill treated her so that her life was then and there greatly endangered and other wrongs to the said Elizabeth Ammon then & there did against the State of Illinois.

4 And also for that said Defendants on the second day of December in the year AD 1853 and on divers other and different days from said last

mentioned date until the first day of January
in the year A.D. 1854 with force & Armes
Assaulted the said Elizabeth Ammon there
and still being the wife of the said Jacob
Ammon to wit at the County of Marshall
in the State of Illinois & there & there beat
bruised ~~and~~ wounded & ill treated her so
that her life was then and there greatly despaired
of and other wrongs to the said Elizabeth
Ammon. Then and there did against the
peace of the people of the State of Illinois

- 5- And also for that said defendants on
the fifteenth day of December in the year
A.D. 1853 with force & Armes committed a certain
other assault upon the said Elizabeth Am-
mon then & still being the wife of the said Jacob
Ammon to wit at the County of Marshall in
the State of Illinois & there & there beat bruised
wounded & ill treated her so. that her life was there
& there greatly despaired of. and other wrongs to the
said Elizabeth Ammon then and there did
against the peace of the people of the State of Illinois and
to the damage of the said Jacob Ammon and Elizabeth
Ammon his wife of one thousand dollars.
And therefore they bring their suit &c
S L Richmond
Atty for Plaintiffs

Be it remembered that on the 11th day
Mo sect court of Apric it being one of the days of said
term of court come the defendants by
Ramsey & Fleming and Pratt their
Attorneys and file herein their affidavit
which is in words and figures as follows
To wit

Jacob Ammon et al Presup
vs. } circuit court
John Cochran et al } Marshall County
April Term AD 1854.

John Cochran one of the above named
defendants being first duly sworn doth
depose and say that said Plaintiffs Jacob
Ammon and Elizabeth Ammon are in-
able to pay the cost of this suit - That defendant
is informed and verily believes that said Plaintiffs
are insolvent and have not sufficient property
liable to execution within this state to pay the
costs of this suit and that unless ruled to give
security for the costs of this suit that the de-
fendants ~~believe and~~ herein and the officers of
this Court will be in danger of losing their said
costs and further deponent saith not.
subscribed & sworn to John Cochran.
before me this day of April }
1854. Silas Ramsey }
Notary Public }

upon the filing of which the following
motion was made and order entered

Jacob Ammon	}	Inexp
Elizabeth Ammon		
vs		
John Cochran.		
Abijah Lyon		
David M. Manners	}	
Swanta Abramson		

This day comes the Defendants
by Ramsey Fleming & Pratt. and ask for a rule
against the Plffs to given security for cost
It is therefore ordered that the Plffs give security
for cost by Thurs day morning next or show
cause why they should not. Whereupon come
the Plffs and file their bond for cost which is
approved

Which said bond is in words and figures
as follows to wit.

State of Illinois	}	Marshall County
Marshall County		
Jacob Ammon	}	Circuit Court
Elizabeth Ammon his wife		
vs.	}	April Term AD
John Cochran		
Abijah Lyon David Mc	}	1854.
Manners and Swanta Abramson		
	}	Inexp

I Reinhold Becker do hereby enter my
 self security for costs in this cause and
 acknowledge myself bound to pay or cause to
 be paid all costs which have accrued
 or which may accrue in this action either
 to the opposite party or to any of the officers
 of this Court in pursuance of the laws of this
 State dated this 12th day of April A.D. 1854
 Witness to Reinhold Becker } Seal
 John Barnard } Reinhold Becker Seal

Be it remembered that on the 13th day of April
 1854. Came the Plaintiffs by S. D. Whimond their
 Attorney and file a precept for an alias summons
 which is in words and figures as follows
 to wit-

Jacob Ammon and	}	Marshall County
Elizabeth Ammon his wife		
vs		Circuit Court
John Cochran Abijah Lyon	}	April Term 1854
David Mc Manners & Swanta Abramson		
		Trespas
		Damages \$100.00

Issue an alias summons in trespass
 in the above entitled suit against said
 Swanta Abramson, impleaded with John
 Cochran Abijah Lyon and to the Abijah and
 Lyon David Mc Manners returnable-

to the October Term of said court for
the year 1854.

To G. S. Fort

Richmond & Burns

Clerk

Att'y for Plff

April 13th 1854.

Upon the filing of which the an alias
summons issued which together with
the return of the sheriff thereon is in
words and figures as follows to wit,

The People of the State of Illinois is

Alias Summons

To the Sheriff of Marshall
County Greeting;

We command you to
summon Granty Abramson impleaded
with John Cochran, Abijah Lyon David Mc
Manners. To appear before our circuit court
on the first day of the next term thereof to be
holden at Lazon, within and for the said
county of Marshall, on the 3^d Monday of October
next then and there in our said court to answer
Jacob Ammon and Elizabeth Ammon his
wife in a plea of trespass. Damages one thousand
dollars as they say. Hereof fail not and make
due return of your doings hereon.

Witness Greenberry S. Fort Clerk of
the said court, and the seal thereof

at Lucon this 13th day of April
 In the year of our Lord one thousand
 eight hundred and fifty four

ES. Fort clerk, clerk

Return I have served this writ by reading the same to
 the within named Swaney, Alanson, on this
 the 13th day of April A.D., 1854, as within comman-
 ded.

Shffers service , 50
 ret 10
 60,

Henry Crane Sheriff of
 Marshall county Ills.

By John Gore Deft

Filed. April 13th A.D. 1854.

ES. Fort clerk

Be it remembered that on this ~~day~~ the 13th day
 of April A.D. 1854. the defendant Leachman
 Lyon & Mc Mannus come by Pratt their
 Atty and file their demurrer to the 4th Count
 of Plff Declaration, which said demurrer is
 in words and figures as follows, To wit,

~~John Leachman et al~~
 vs

Demurrer Jacob Armon et al
 to 4 Count vs

of Dec. John Leachman et al

Circuit Court
 Marshall county
 April Term A.D. 1854

And now comes the said Defendants
John Cochran Abijah Lyon and David
McMannus. and as to the fourth Count
of said Plaintiff Declaration filed herein say that
the same is not sufficient in law and that these
defendants ~~ought not~~ are not bound in law
to make further answer to said fourth Count
and this these defendants are ready to verify
therefore they pray judgement &c.
And for special Cause of Demurrer
defendants show that said count charges
an assault with a continuendo. that
said Count is otherwise informal and
insufficient

Pratt for Defts
Cochran Lyon and McMannus

Upon the filing of which Demurrer
the following order was made on the said
13th day of April it being one of the days
of said term of said Court that is to
say,

Jacob Ammon et al }
vs } Resp
John Cochran et al }

Be it remembered that this day it
is ordered that the defendants be required to
plead herein by Monday morning next
and now the Defendants Cochran

Order
(page 220)

Lyon & Mc Munn come by Ratt
& demur to the fourth count of Plff Declaration
which demurrer is overruled by the court
and the said defendants again come
and ask leave to answer over which said
motion is sustained and leave is granted
accordingly;

Cochrans
Plea
Be it remembered that this 17th day of April 1854 comes
the Deft Cochran by Ratt his Attorney and files
him in his plea which said plea is in words
and figures as follows to wit

Jacob Ammon et al Trespass in circuit
vs
John Cochran et al } court Marshall county
} April Term AD 1854.

And now comes John Cochran by his
attorney. defends the force and injury when
re. and says that the said several supposed
~~wrong~~ trespasses in the first second Third
fourth and ~~sixth~~ fifth count of the said
Declaration mentioned are one and the
same, and not other and different—and
for plea in this behalf as to the said assaulting
beating bruising pounding and ill treating
the said Elizabeth Ammon. as in the said

Declaration mentioned. says actio non
because he says that the said Elizabeth
Armon just before the said time when he
to wit at the County of Marshall aforesaid
with force and arms made an assault
upon him the said John Cochran and did
then and there beat buse and ill-treat him the
said John Cochran. Wherefore he the said
John Cochran, did then and there defend
himself against the said Elizabeth
Armon as he lawfully might for the
cause aforesaid and in so doing did a little
beat buse wound and ill-treat the said Elizabeth
Armon, and so the said John Cochran
says that if any hurt or damage then and
there happened to the said Elizabeth
Armon the same was occasioned by
the assault so made by the said Elizabeth
Armon on him the said John Cochran
and in his necessary defense, which are
the same supposed trespasses in the intro-
ductory part of this plea mentioned, and
whereof the said Plaintiffs have above
thereof complained against him the said
John Cochran, which he is ready to verify
wherefore he prays judgment &c.

Pratt for Deft

And for further Plea in this behalf
said defendants say that the said several
supposed trespasses in the said first second
third fourth and fifth count of said Plaintiffs
said Declaration mentioned are one and
the same, and not other or different and as
to the said assaulting beating bruising
wounding and ill treating of the said Elizabeth
Ammon as in said Declaration mentioned
This defendant says a tho now because he says
that the said Jacob Ammon and the said
Elizabeth Ammon and one Jacob
Ammon joined just before the said time
when ~~and~~ to wit at the County aforesaid
with force and arms made an assault upon
this defendant, and did then and there beat bruise
and ill treat him the said defendant wherefore
this defendant did then and there defend himself
against the said assault of the said Jacob
Ammon Elizabeth Ammon and Jacob
Ammon joined as he lawfully might
for the cause of our said, and in so doing did
a little beat bruise wound and ill treat the said
~~for~~ Elizabeth Ammon and so this def-
endant says that if any hurt or damage then
and there happened to the said Elizabeth
Ammon, the ~~same~~ same was occasioned

by the said assault of the said Jacob
Ammon Elizabeth Ammon and
Jacob Ammon upon the defend-
ant and in defendants necessary defence
Which are the same supposed trespasses in the
introductory part of this plea mentioned
and whereof the said Plaintiffs have above
thereof complained against this defendant
which he is ready to verify therefore he prays
judgment &c

Pratt for Deft,

- 3 And for further plea in this behalf this defend-
ant says the said several supposed trespasses in
the said several first second, third fourth and
fifth count of the said Plaintiffs dec-
laration mentioned are one and the
same, and not other or different, and
as to the said assaulting, beating bruising
wounding and ill treating of the said
Elizabeth Ammon, as in said declaration
mentioned this defendant says actio non
because he says that just before the said time
when &c To wit at the County aforesaid
the said Jacob Ammon and Elizabeth
Ammon, with force and armes made an
assault upon him the said defendant
and did then and there beat bruise wound,

and ill treat this defendant. Wherefore the
said defendant did then and there
defend himself as he lawfully might
against the said Jacob Ammon and
Elizabeth Ammon for the cause aforesaid
and in so doing did a little beat wound
and ill treat the said Elizabeth Ammon
and so the defendant says that if any hurt
or damage then and there happened to the
said Elizabeth Ammon, the same was occasion-
ed by the said assault so made by the said Jacob
Ammon and Elizabeth on this defendant
and in his necessary defence. which are
the same supposed purposes, in said
introductory part of this plea mentioned
and whereof the said Plaintiffs have above
complained and this defendant is ready
to verify. &c.

Pratt

for Def.

- 14 And for further plea in this behalf
defendant says the said several supposed
purposes in the said first second third
fourth and fifth Counts of said declaration
mentioned are one and the same, and not
other, or different. and as to the said
assaulting beating bruising wounding

and ill treating of the said Ely obeth
Armon in said declaration mentioned
said defendant says Actio Non. because
he says that the said defendant before and
at the time when he was lawfully possessed
of, and in a certain close to wit the East
half of the North East quarter of section
No. Twenty Eight in Township, No. Thirteen
North of Range No. nine. East of the 4th
principal meridian in the County of
Marshall for said, and being so possessed
the said Ely obeth Armon a little before
the said time when he with force and arms
and with a strong hand, and without
the license or permission, and against the
will of this defendant did attempt, and
endeavor forcibly to break into and
enter the said close and to take therefrom a
large quantity "to wit" one thousand bushels
of Corn the property of this defendant and
wound then and there unlawfully and
forcibly with a strong hand have effected
and accomplished such unlawful
attempt and endeavor without the
license or permission and against the
will of this defendant if the said defendant
had not defended his said possessions of
his said close, Whereupon this said

defendant being then in his said close,
and during the said forcible and wrongful
attempt and endeavour of the said Elizabeth
Ammon did at the time when to defend his
the said defendants possession of his said
close and oppose and resist the said
attempt and endeavour of the said
Elizabeth Ammon as it was lawful for
him to do. on the occasion aforesaid
and the said defendant further says
that if any damage or injury happened
then and there to the said Elizabeth Ammon
the same happened by the wrong of the
said Elizabeth Ammon, and in the
defence by the said defendants of his said
close without this that he the said de-
fendant was guilty of the said several trespasses
in this plea mentioned or any of them,
or in any other manner than as in this
plea mentioned and this the defendant is
ready to verify wherefore he prays judgment
Pratt for Deft

and for further plea in this behalf
said defendant says that the said
several supposed trespasses in the said first
second Third Fourth and fifth Count
of said Declaration mentioned, are one
and the same, and not other and different
and as to the said assaulting, beating
bruising, wounding and ill treating of
the said Elizabeth Armon, in said
Declaration mentioned said defendant
says actio non, because, he says that he
the said defendant before and at the said
time when he was lawfully possessed of
and in a certain field and close to wit
the East half of the North East quarter
of section No Twenty eight in Township
No thirteen North of Range No nine East
of the 4th principal meridian in said
county aforesaid and being so possessed
the the said Elizabeth Armon and
said Jacob Armon, a little before
the said time when he, with force and arms
and with a strong hand and without
the leave or permission and against
the will of this defendant did attempt
and endeavour forcibly to break into
and enter the said close of the said
defendant and forcibly to take therefrom

a great quantity to wit. One thousand
Bushels of Corn, and one thousand
bushels of potatoes of the said Defendant
and wronged them and there unlawfully
and forcibly with a strong hand effected
and accomplished such unlawful
attempt and endeavor without the license
or permission of the defendant and against
his Will if the said defendant had not
defended, had not defended his
said possession of his said close and
field whereupon the said defendant being
then in his said close and during the
said forcible and wrongful attempt
and endeavor of said Jacob Ammon
and Elizabeth Ammon, did at
the time when and ~~so forth~~ defend
his said defendant's possession of his said
close and oppose and endeavor of the
said Jacob, Ammon, and Elizabeth
Ammon, as it was lawful for
him the said defendant to do on the
occasion of our said And the said
defendant says that if any damage or
injury then and there happened to the
said Elizabeth Ammon the same
happened of the wrong of the said Elizabeth
Ammon and in the defense by the

said defendant of his said case
and filed without this that the said
defendant was guilty of the said
several trespasses in this plea mentioned
or any of them in any other manner
than as in this plea mentioned which
he is ready to verify whereupon he prays
judgement &c.

Prat for Deft

(6.) And for further plea in this
behalf defendant says ~~action~~ that
the said several supposed trespasses in
said first second third fourth and
fifth Count mentioned of said
declaration mentioned are one and
the same and not other and different
and as to the said assaulting beating
bruising wounding and ill treating
of the said Elizabeth Annson &c
this defendant says ~~actio non~~ because
he says that he the said defendant before
and at the time when ~~and~~ was
~~lawfully~~ lawfully possessed of a certain close
to wit the East half of the North East
quarter of section No Twenty eight in
Township No Thirteen North Range No
nine East of the 4 principal

meridium in the county aforesaid and
of a large quantity to wit one thousand
Bushels of Corn of great value to wit the
value of one thousand dollars then and
there growing standing and being in
upon the said close, and and of a large
quantity to wit one thousand bushels
of Potatoes of great value to wit of the
value of one thousand dollars then and
there being and growing, and lying in and
upon the said close, and of Great numbers
to wit, Ten thousand Fence Rails of great
value, to wit of the value of One thousand
dollars then and there being and lying
in and upon the said close and being
so possessed, of the said close and property
the said Jacob Ammon and Elizabeth
Ammon, with one Jacob Ammon junior
a little before the said time when he with
force and arms, and with a strong hand
and without the license or permission and
against the will of the said Defendant
did forcibly break into and enter the
said close, and did then and there attempt
and endeavor forcibly to take from the said
close the said Corn aforesaid and the
said Potatoes aforesaid and the said
fence Rails aforesaid

of the said defendants and would
then and thereforcibly and with a
strong hand effected and accomplished
such unlawful ~~purpose~~, attempt and
endeavor without the license or per-
mission and against the will of the
said defendant had not defended,
his said possession, of his said close and
property, whereupon the said defendant being then
in his said close and during the said wrongful
and forcible attempt and endeavor of the
said Jacob Ammon Elizabeth Ammon
and Jacob Ammon, junior did at the
time when &c defend his the said defendant
possession of his said close and property
and did oppose and resist the said attempt
and endeavor of the said Jacob Ammon
Elizabeth Ammon and Jacob Ammon
junior as it was lawful for him the
said defendant to do on the occasion afore
said defendant further says that if any
damage or injury there and there happened
to the said Elizabeth Ammon the same
happened of the wrong of the said Jacob
Ammon, and ~~the said~~ Elizabeth
Ammon owned in the defence by the
said defendant of his said close and
property without this that the defendant

was guilty of the said several trespasses
in this plea mentioned or any of them or
in any other manner than as in
this plea mentioned. Which he is
ready to verify therefore he prays
prayerment &c

Read for Deft
Cochran

April 17th AD 1854,
Bert remembered that this day comes
the defendant Lyon by Pratt his
Atty and files herein his plea to
which said plea is in words and
figures as follows to wit

Jacob Ammon et al

vs

Abijah Lyon et al

Trespass

Marshall County

Circuit Court April

Term AD 1854.

And now comes the said Abijah
Lyon above named defendant and
defends the force and injury wher
and says that the said several supposed
trespasses in the First Second Third Fourth
and Fifth counts of the said plaintiffs
said Declaration mentioned are one
and the same, and not other and

different and as to the said assault^{ing}
beating bruising wounding and ill
treating of the said Elizabeth Ammon
as in the said declaration mentioned
says actio non, because he says that
the said Elizabeth Ammon, just before
the said time when he: To wit at the County
of Marshall aforesaid with force and arms
made an assault upon him the said
defendant, and would then and there
have beat bruised and ill treated
him the said defendant if he had not
immediately defended himself against
the said Elizabeth Ammon, whereupon
he the said defendant did then and there
defend~~ed~~ himself against the said
Elizabeth Ammon, as he lawfully might
for the cause aforesaid and in so doing
did a little beat bruised, wound and ill
treat the said Elizabeth Ammon and the
defendant says that if any hurt or
damages then and there happened to
the said Elizabeth Ammon the same
was occasioned by the said assault so
made by the said Elizabeth Ammon on
him the said defendant, and in his
said defendant's necessary defense which
are the same supposed trespasses in

the introductory part of this plea
mentioned and whereof the said
Plaintiff have above complained which
he is ready to verify therefore he
prays judgment
Pratt Deft. Atty

- 2 And for further plea in this behalf
the said defendant says that the said
several supposed trespasses in the said
first second third fourth and fifth
count of said Declaration mentioned are
one and the same and not other and
different And as to the said assaunting
beating bruising Wounding and ill treating
of the said Elizabeth Ammon defendant
say action non because he says that the
said Elizabeth Ammon and one
John Cochran at the time when & at
the County aforesaid were fighting
together and striving with force and
arms to beat and wound each other
against the Peace of the People
Whereupon the said defendant being present
for the preservation of the peace aforesaid
and that the said Elizabeth Ammon
and John Cochran might do no hurt

to each other and in order to separate
and part them. there and then gently
gently laid his hands upon the said
Elizabeth Ammon, as he lawfully
might do for the cause aforesaid
which are the said assaulting beating and
bruising wounding and ill treating the
said Elizabeth Ammon in the said
Declaration mentioned and whereof the
said Plaintiff have ~~also~~ complained
and this he is ready to verify whereupon
he prays judgement &c
Pratt for Deft

3. And for further plea in this behalf
as to the said assaulting ~~battering~~
beating bruising wounding and ill treating
the said Elizabeth Ammon in the said
Declaration mentioned the defendant
says actio non. because he says that the
said Elizabeth Ammon, and one John
Lochrum at the time when &c at the County
of Marshall aforesaid, were fighting together
and striving with force and armes to
beat and wound each other against
the peace of the people whereupon the said
defendant being there and there present
for the preservation of the peace aforesaid

and that the said Elizabeth Ammon
and John Cochran might do no hurt to
each other and in order to separate and
part them then and there gently laid his
hand upon the said Elizabeth Ammon
as he lawfully might do whereupon
the said Elizabeth Ammon then and
there with force and arms made an
assault upon this defendant and
would then and there have beat cursed
and ill treated him the said defendant
if he had not immediately defended
himself therefore this the said defendant
did then and there defend himself
against the said Elizabeth Ammon as
he lawfully might for doing did a little
beat curse wound and ill treat the said
Elizabeth Ammon and so defendant says
that if any hurt or damage then and
there happened to the said Elizabeth
Ammon the same was occasioned by
the assault so made by her on this defendant
and in the necessary defence of the defendant
against her the said Elizabeth Ammon to
which are the same supposed trespasses in the
introductory part of this plea mentioned and
whereof the said Plaintiffs have above complained and
this he is ready to verify

Pratt for Def

4.

and for further plea in this behalf
as the said assaulting beating bruising wounding
and ill treating the said Elizabeth Ammon
as in said Declaration mentioned this defen-
dant says actio non. because he says that
the said Elizabeth Ammon just before the
said time when &c. in the said Declaration men-
tioned to wit on this day and year at the
County aforesaid with force and arms
made an assault upon John Cochran then
and there being the Master of the said ~~close~~
defendant and would then and there have
beat bruised and ill treated him the said
~~Jacob Ammon~~ John Cochran. if he the
said defendant had not immediately
defended the said John Cochran. Wherefore
the said defendant did then and there defend
the said John Cochran. so then and there being
his Master as aforesaid against the said
Elizabeth Ammon. as he lawfully might
for the Cause aforesaid and in so doing
did necessarily and unintentionally a little beat
bruise wound and ill treat the said Elizabeth
Ammon and so the said defendant says that
that if any hurt or damage then and there
happened to the said Elizabeth Ammon the
same was occasioned by the said assault
so made by the said Elizabeth Ammon

upon the said John Cochran and and
in the necessary defence of him the said
John Cochran against him the said
Elizabeth Ammon which are the same
supposed trespasses in the introductory
part of this plea mentioned and whereof
the said Plaintiffs have above thereof ~~conveyed~~
complained, which he is ready to verify
etc.

Pratt. for Deft

- 5 And for further plea in this behalf as
to the said assaunting beating ~~and~~ beating
wounding and ill treating the said Elizabeth
Ammon, in said declaration mentioned
the defendant says *actio non*, because he
the defendant was the servant of John Cochran in the said
say, that before and at the time when ~~by~~ John
Cochran was before and ~~at~~ at the time when
lawfully possessed of a certain close to wit the
East half of the North East quarter of section
No twenty eight in Township N. Winter North of
Range No nine East of the fourth principal
meridian in said county of Marshall of said
together with a crop of corn of great value to
wit of the value of One thousand dollars
there and then growing and standing in and
upon the said close and also a crop of Potatoes

of great value to wit of the value of
One thousand dollars then and there
being and growing in and upon the
said close and of a lay number to wit
Ten thousand Fence Rails of great value
to wit of the value of one thousand dollars
then and there being and remaining upon
in and upon the said close. And the said
John Cochran being possessed the said
Elizabeth Annion and the said
Jacob Annion a little before the said
time when ~~er~~ with one Jacob Annion
junior ~~and~~ with force and arms and
with a strong hand and without the
license or permission and against
the will of the said John Cochran did
forcibly break and enter the said close
and did then and there attempt and
endeavor forcibly to remove from the
said close the fence Rails aforesaid and
the Corn aforesaid and the potatoes aforesaid
the property ~~aforesaid~~ of the said John
Cochran as aforesaid and would then
and there unlawfully and forcibly and with
a strong hand have effected and accomplished
such unlawful attempt and endeavor
without the license or permission of the said
Cochran and against his will if the said

defendant, ^{as} servant of the said John Cochran
as aforesaid had not defended his said
Cochrans possession of his said Cochran
possession of the said John Cochran close
and property when upon the said
defendant servant as aforesaid and
being then in the said close and during the
said forcible and wrongful attempt and
endeavor of the said Jacob Ammon
Elizabeth Ammon and Jacob Ammon
junior did at the said time when
defend his said Cochrans possession of his
said close, and property and did then and
there oppose and resist the said attempt
and endeavor of the said Jacob Ammon
and Elizabeth Ammon, and Jacob
Ammon junior as it was lawful
for him to do the said defendant then
and there being servant as aforesaid to do
on the occasion aforesaid, and the
said defendant further says that if any
damage or injury then and there hap-
pened to the said Elizabeth Ammon, the
same happened of the wrong of the said
Elizabeth Ammon Jacob Ammon
and Jacob Ammon junior and in
the defense by the said defendant of
the close and property aforesaid by

the said defendant of the close
and property aforesaid by virtue of
the authority aforesaid without
this that he the said defendant was
guilty of the said several trespasses in
this plea mentioned or any of them at
the county aforesaid in any other
manner than as in this plea mentioned
and this the defendant is ready to
verify wherefore he prays judgment
etc.

Pratt Sept 9th

April 17th A.D. 1854.

Be it remembered that this day
comes the aforesaid Defend David
McMannus by Pratt his Attorney and
files here his plea which said plea
is in words and figures as follows to
wit.

Jacob Ammonett

vs

David McMannus

} Marshall County

Circuit Court

April Term A.D. 1854

Trespass

And now comes the said David

McMannus

Plea-

Mc Munnis above named defendant
and defends the force and injury when
he and says the said ~~wrongful~~ several
~~wrong~~ trespasses in the first second
third fourth fifth Count of the said
Plaintiffs said declaration mentioned
are one and the same and not other
and different and as to the said
assaulting beating busing wounding
and ill treating of the said Elizabeth
Armon. so in the said declaration
mentioned, because he says that the
said Elizabeth Armon. just before the
said time when ~~and so forth~~ to wit
at the County of Marshall aforesaid with
force and arms made an assault upon
him the said defendant and would then
and there would have beat bruised and
ill treated him. the said defendant if
he had not immediately defended himself
against the said Elizabeth Armon
wherefore the said defendant did then
and there did then & there defend himself
against the said Elizabeth Armon as he
lawfully might for the cause aforesaid
and in so doing did a little beat bruise
wound and ill-treat the said Elizabeth
Armon. and so the defendant says

that if any damage or hurt then and there
happened to the said Elizabeth Ammon
the same was ~~the~~ occasioned by the said
assault so made by the said Elizabeth
Ammon on him the said defendant
and in his said defendants necessary
defence which are the same supposed
trespases in the introductory part
of this plea mentioned and whereof
the said Plaintiffs have above complained
which he is ready to verify wherefore he
prays judgment.

Prat Def to Atty.

And for further plea in this behalf the
said defendant says that the said several supposed
trespases in the said first second third
fourth and fifth counts of said declaration
mentioned are one and the same and not
other and different. and as to the said
assaulting beating bruising wounding
and detaining of the said Elizabeth Ammon
defendant and says action non, because he
says that the said real estate Elizabeth
Ammon defendant and one John
Cochran at the time when at the county
aforesaid were fighting together and
striving with force and arms to beat

and wound each other against the Peace of
the People. whereupon the said defendant being
present for the preservation of the Peace
aforesaid and that the said Elizabeth
Ammon, and John Cochran, might do
no hurt to each other and in order to separate
and part them then and there gently laid
his hands upon the said Elizabeth Ammon
as he lawfully might do for the cause
aforesaid which are the same assaulting
beating bruising wounding and ill treating
the said Elizabeth Ammon in the said
declaration mentioned and where the said
Plaintiffs have above complained, and
this he is ready to verify whereupon he
prays judgment.

Pratt for Deft

3^d and for further plea in this behalf
as to the said assaulting beating bruising
wounding and ill treating the said Elizabeth
Ammon, in the said Declaration mentioned
the defendant says Astor Mon. because
he says that the said Elizabeth Ammon
and on John Cochran at the time when
or at the County of Marshall aforesaid
were fighting together and striving with
force and arms, to beat & wound

each other against the Peace of the People
Whereupon the said defendant being then
& there present for the preservation of the peace
aforesaid. And that the said Elizabeth
Armon and John Cackran might do
no hurt to each other, and in order to
separate and part them, then and there
gently laid his hands upon the said Elizabeth
Armon, as he lawfully might, for the Cause
aforesaid. Wherefore the said Elizabeth
Armon then and there with force arms
made an assault upon this defendant and
wound, then and there have beat bruised
and ill treated him the said defendant
if he had not immediately defended
himself against the said Elizabeth Armon
as he lawfully might for the cause afore
said, and in so doing did a little beat
bruise wound, and ill treat the said Elizabeth
Armon and so the defendant says that
if any injury or damage then and there
happened then & there happened to the said
Elizabeth Armon the same was
occasioned by the ~~assault~~ assault so
so made by her on this defendant and
in the necessary defence of the defendant
against him, the said Elizabeth Armon
which are the same supposed trespasses

in the introductory part of this plea
mentioned and whereof the said Plaintiff
have a bone complained and this he
is ready to verify therefore prays
judgment &c.

Ratt for Deft

4. And for further plea in this behalf
as to the said assaulting beating causing
wounding and ill-treating the said Elizabeth
Armon, as in said declaration mentioned
the defendant says action non because he says
that the said Elizabeth Armon just before
the time when & in the said declaration
mentioned to wit on the day and year and at
the County aforesaid with force and arms
made an assault upon him John Cochran
then and there being the master of the said
defendant and would then and there have
beat bruised and ill treated him the
said John Cochran, if this the said
defendant had not immediately de
fended the said John Cochran wherefore
the said defendant did then and there
defend the said John Cochran, so then
and there being his master as aforesaid
against the said Elizabeth Armon

as he lawfully might do for the
cause aforesaid and in so doing did
necessarily and unavoidably a little beat
bruise wound and ill treat the said
Elizabeth Ammon and so the said
defendant says that if any hurt or damage
then and there happened to the said ~~defen-~~
~~dent~~, Elizabeth Ammon the same
was occasioned by the said assault
so made by the said Elizabeth Ammon
upon the said John Cochran, and in the
necessary defence of him the said John
Cochran, against the said Elizabeth
Ammon which are the same supposed
trespasses in the introductory part of
this plea mentioned and thereof com-
plained which he is ready to verify
therefore he prays judgment.

Pratt for Deft

5. And for further plea in this behalf as
to the said assaulting beating bruising
wounding and ill treating the said
Elizabeth Ammon in said Declaration
mentioned this defendant says a this non, because that before
and at the time when in the defendant.

was that the servant of said John Cochran
and the said John Cochran was to wit,
at the time when & lawfully possessed of a
certain close to wit the East half of the
North East quarter of Section Twenty Eight
Township No Thirteen north of Range No
nine East of the fourth Principal meridian
run in said County of Marshall aforesaid
together with a crop of corn of great value
to wit of the value of one thousand dollars
then and there growing & standing in and upon
said close and also a crop of potatoes of great
value to wit of the value of one thousand
dollars then and there being and growing in
and upon the said close and of a large
number to wit ten thousand five rails of
great value to wit of the value of one thousand
dollars then and there being and remaining in
and upon said close. and the said John Cochran
being so possessed. the said Elizabeth Ammon
and the said Jacob Ammon with one
Jacob Ammon junior a little before the
time when & with force and arms and with
a strong hand and without the license or per
mission and against the will of the said John
Cochran did forcibly break and enter said
close and did then and there attempt and
endeavor forcibly to remove from the

the fence rails aforesaid and the corn
aforesaid, and the potatoes aforesaid the
property the said Cochran. as aforesaid and
would then and there unlawfully and
forcibly and with force and a strong
hand have effected and accomplished such
unlawful ~~purpose~~ attempt and endeavor
without the license or permission of the said
Cochran. and against his will if the said
defendant, servant of the said John John
Cochran. as aforesaid had not defended as
aforesaid had not defended his said
Cochrans possession of his said property
Cochrans close & property wherefore the said
Defendant servant as aforesaid and being
when the said close was at the time when
and during the said forcible and wrongful
attempt and endeavor of said Jacob Ammon
Elizobeth Ammon & Jacob Ammon junior
did at the said time when he defended his said
Cochrans possession of his said close and
property and did then and there offer and
oppose and resist the said attempt and
endeavor of the said Jacob Ammon.
Elizobeth Ammon and Jacob Ammon
junior as it was lawful for him to the
said defendant then and there being servant
as aforesaid to do on the occasion aforesaid

and the said defendant further says that if
any damage or injury then & there happened
to the said Elizabeth Ammon. ~~to~~ the
same happened of the wrong of the said
Elizabeth Ammon Jacob Ammon, &
Jacob Ammon junior and in the defence
by the said defendant of the close and property
aforesaid without this that he the said
defendant was guilty of the said several
trespasses in this plea mentioned or any of
them at the county aforesaid in any other
manner than as in this plea mentioned
and then the defendant is ready to verify
wherefore he prays judgment &c.

Pratt. for Deft

Be it remembered that this 18th day
of April AD 1854. Came the Pleff by
Richmond & Burns and file herein
their Replication to Deft Cochran's ple
which is in words and figures as follows
To wit,

Plyffs	Jacob Ammon	} Marshall County
Replication	Elyobeth Ammon	
	v2	} Circuit Court
to Cochran	John Cochran Deoie	} Apr 1 st Term 1854
Plea	Mo Mameus abijah Lyons	
	Swanty Abramson	} Respap —

And now Comes said Plyffs by Richmond and Bams their attornys and for replication to said plea by said defendant Cochran, firstly above pleaded. say precludi non, because they say that the said defendant at the then when & of his own wrong & without cause, by him in said plea alleged committed the said several trespasses in said plea attempted to be justified in manner and form as said plea inlyff hath above in his said declaration complained, against said defendant and this the thereupon contrary &c.

And doth the the like

Pratt for Dyf —

Richmond & Bams

Atty for Plyff

And for further replication to said plea by said defendant firstly above pleaded said Plaintiffs say precludi non because they say that the

said defendant at the time when he in
said declaration mentioned of his own
wrong committed the said trespass in the
introductory part of that plea mentioned
to a greater degree and with more force
or violence than was necessary for the
purpose of that plea mentioned in
manner & form as said plff hath in &
by said declaration complained against
said defendants and that said Plff is
ready to verify whereupon they pray
judgement &c.

Richmond & Burns

for plff

and for replication to defendants
to Chas second plea pleaded above, said
Plaintiffs say, preclude non because they
say that said defendant at the time when
he of his own wrong and without the cause
in his plea alledged committed the said
several trespasses in said plea ~~pleaded~~
attempted to be justified in manner
and form, as said plff have in their said
declaration complained against said
defendants and of this they put
themselves upon the Court &c.

And Deft Doth to the like

Pratt for Deft.

Richmond & Burns

and for replication to said defendant
Cochran 3 plea above pleaded said
Plffs say precludi non because they
say that at the time when &c. said
Cochran of his own wrong committed
said trespasses in the introductory part
of said plea mentioned to a greater
degree & with more force & violence than
was necessary for the purposes of that
plea mentioned in manner and
form as said plff hath in and by
said declaration complained against
said defendants and thus said Plffs
are ready to verify whereupon they pray
judgment &c.

Richmond & Burns,
for Plffs.

And for Replication to the 1st plea by said
defendant Cochran pleaded above
said Plffs say precludi non because
they say at the time when &c. said Cochran
of his own wrong committed the trespasses
in the introductory part of said plea
mentioned to a greater degree and
with more force and violence than
was then and there necessary

for the purposes of that plea men-
tioned in manner & form as
said Plaintiffs hath. in & by said
declaration complained against
said said defendant and this said
Plffs are ready to verify whereupon
they pray judgment &c.

Richmond & Burns.

for Plff

And replication to the fifth plea by
said defendant Cochran above pleaded
said Plaintiffs say precludi non now
because they ~~they~~ say that the said
defendants at the said time when &c of his
own wrong and without the cause by him
in his said fifth plea alleged committed
the said several trespasses in the said
plea attempted to be justified in manner
and form as the said Plaintiff hath
above in their declaration complained
against the defendants and of this they
put themselves upon the Country.
and Dft Doth the like

Rath for Dft

Richmond & Burns
for Plff

And for replication to the sixth plea
by the said defendant Cochran above
pleaded Plaintiffs say precludi non.
because they say that the said defendant
at the said time when & of his own
wrong & without the cause by him in
his sixth plea alleged committed the
the said several Trespases in the said plea
attempted to be ~~pleaded~~ justified in manner
& form as the said Plaintiffs have above
in their said declaration complained
against the said defendants and of
this they put themselves upon the
country.

And the Deft Com the like, - Richmond & Burns
Pratt for Deft.

for Plffs

Be it remembered that on this 18th
day of April 1854, came the P^lffs
By Richmond & Burns their Attys
and file herein their Replication
to the Defendant Lyons Plea,
which is in words and figures as
follows To Wit

Plaintiffs

Rep to D^{ef}
Lyons Plea

Jacob Ammon &
Elizabeth Ammon
V2.

Abijah Lyon et al

In Marshall
County Circuit
April Term 1854
L^{it} pass.

And for replication to the plea of
Abijah Lyon one of the said defen-
dants first above pleaded the Plaintiffs
say Preclusion because they say
that the said defendant at the time when
or in said Declaration mentioned
of their own wrong conveyed the said
presap in the introductory part of said
plea mentioned to a greater degree and
with more force and violence than was
necessary for the purpose in that plea
mentioned in manner & form as the
said plaintiffs have in and by the
said declaration complained
against the said defendant and

That said Plaintiffs are ready to verify
or wherefore they pray judgment &c

Richmond & Burns
for Plff

And for replication to the second
plea above by the said Abijah Lyon one of
the said defendants pleaded said
Plffs say precludi non, because ~~they~~
he says said defendant Lyon at the
time when &c of his own wrong & without
the cause by him in said second plea
alleged committed the said several tres-
passes in said plea attempted to be
justified in manner & form as
said Plffs hath above in their said
declaration complained against
said defendants and of this said
Plffs put themselves upon the country
&c

Def doth the like

Pratt for Defs

Richmond & Burns

Atty for Plff

And for Replication to the plea by
said Lyon thirdly above pleaded
said Plffs say, precludi non. because they
say, that said defendant at the time when
& in said declaration mentioned of his own
wrong, committed said Trespasses in the
introductory part of that plea mentioned to
a greater degree and with more force & violence.
was necessary for the purposes in that plea
mentioned in manner & form as said plff
have in & by said declaration complained
against said defendants and this they are
ready to verify. Wherefore they pray
judgement &c

Richmond & Burns
for Plffs.

And for Replication to the plea by said
Lyon fourthly above pleaded, said Plffs
say Precludi non. because they say, that said
defendant Lyon, at the time when & in
said declaration mentioned of his own
wrong, committed said Trespasses in
the introductory part of that plea men-
tioned to a greater degree & with more
force & violence than was necessary for
the purposes in that plea mentioned

in manner & form as said Plff have
in w^{ch} by their said declaration ~~men-~~
~~tioned in manner~~ complained
against said defendants & this
they are ready to verify wherefore they
pray judgment.

Richmond & Burns
for Plff.

And for Replication to the plea by said
defendant Lyon fifth Pleaded said
Plff say Preclusion. because they
say that said def Lyon at the time when
ec. of his own wrong and without the cause
in said plea alleged committed the said
several trespasses, in the said introductory part
of that plea mentioned in manner & form
as said Plff have above thereof in their
said declaration complained against
said defendants and of this they put
themselves upon the country ec.
Doft Doth the like

Pratt for Deft.

Richmond & Burns, -
pro. Plff.

Be it remembered that this 18th. day of May AD
1854. came the Plffs of Richmond and Burns
their attorneys and file their replication to the ~~Def~~
Mc Mannus Plea. which said Replication is in
words and figures as follows to wit,

Plff Rep. to	Jacob Ammon, &	}	Marshall County Circuit Court April term 1854. Trespass.
Def	Elizabeth Ammon,		
Mc Mannus	vs		
Plea,	John Cochran David Mc Mannus Abigail Lyon & Swartz Abramson		

And now come the Plaintiff by Richmond
O Burns their attorneys and for replication to said
plea by the said defendant Mc Mannus first above
pleaded say, preclusion. because the say, that the
said defendants at the said time when, & in the
said declaration mentioned of their own wrong
committed the said Trespasses in the introductory
part of that plea ~~pleaded~~ mentioned to a greater
degree, and with more force and violence than
was necessary for the purpose in that plea
mentioned in manner & form as the said
Plaintiffs have in & by the said Declaration complained
against the said defendants and thus the said Plaintiffs are ready
to verify wherefore they pray judgment &c

Richmond & Burns
for Plffs —

And for Replication to the plea by said
defendant Mr Mannis secondly above
pleaded said Plffs say precludi non
because they say that said defendant Mr
Mannis, at the time when &c, of his cunning
and without the cause in said plea alleged
committed the said several trespasses in that
plea attempted to be justified in manner
and form as said Plffs have in their said
declaration complained against said defendants
And this said Plaintiffs pray may be
enquired of by the country &c.
And the Dft doth
The like Ratt for Dft. Richmond & Burns.
for Plffs.

And for replication to the plea by said
defendant thirdly above pleaded said Plffs
say precludi non because they say that said
defendant at the time when &c of his own wrong
& without the cause by him in that plea alleged
committed the said several trespasses in the
said plea attempted to be justified in manner
& form, as said Plffs have against the said
defendants and of this they put themselves
upon the country &c.
And the Dft doth the like Richmond & Burns.
By Ratt for Dft.

And for replication to the plea by said defend-
ant thirdly above pleaded said Plffs say
preclusion because they say that said
defendant at the time when &c. of his own
wrong & without the cause by him in that
plea alleged committed the said several
trespasses in the said plea attempted to be
justified in manner & form as ~~the~~ said
Plffs have in their said declaration
complained against said defendants
and of this they put themselves upon the
country &c. Richmond & Burns
for Plff

And Deft Deft the like
By Pratt for Deft

And for replication to the plea by said
One Marmes fifthly above pleaded said
plaintiffs say preclusion because they
say they say that said defendants at the
time when &c. in the said declaration men-
tioned of his own wrong committed the
said trespasses in the introductory part of
that plea mentioned to a greater degree and
with more force and violence than was
necessary for the purpose in that plea.

mentioned in manner and form as
said Plffs have in and by said declaration
complained, against said defendants
and this said Plaintiffs are ready to
verify wherefor they pray judgment.

Richmond & Burns

Atty for Plffs

And for Replication to the plea by said
defendants McMannere fifthly above
pleaded, said Plffs say precludi non
because they say that said defendant at
the time when &c. of this own wrong
committed the said trespasses in the
introductory part of that plea mention-
ed to ~~get~~ a greater degree and with more
force and violence than was necessary
for the purposes ~~and~~ in that plea men-
tioned ~~in manner and form as said~~
~~to a greater degree and with more force~~
~~& violation violence~~, in manner and
form as said Plffs have in & by said
declaration complained against said
defendants and this said Plffs are ready
to verify whereupon wherefore they pray
judgment &c.

Richmond & Burns
for Plff

And on this 18th day of ~~May~~ ^{April} 1854
Come the said Plffs Richmond
and Burns and files herein their
demurrer to Defs ples, which
said Demurrer is in words and
figures as follows to wit,
Jacob Ammon
Elizabeth Ammon his wife } Marshall County
vs } circuit court
John Cochran Atty at Lyon David } April Term 1854
McMannus & Swartz Atty at Abbeville }

And now comes said Plffs by their
Attorneys and and say the plea by
said Lyon fifthly above pleaded by said
Lyon and fourthly by said said David
McMannus are each of them severally
not formally insufficient in law
and that said Plff are not bound by
law to reply to the same and this
they are ready to verify wherefore
they pray judgment ~~for~~ ^{for} Plffs
Richmond & Burns
pr Plffs.

Be it remembered that this day comes again
the defendant Cochran and files herein his ~~for~~ Rejoinder
to Plffs Representation by Pratt his ~~which~~ Atty
which is in words and figures as follows to wit

Cochran vs Trespas
Rejoinder Abijah Lyon et al

And now again
comes said defendant John Cochran
and for rejoinder to said ~~defendants~~ Rep-
lication Plaintiffs second Replication to
said defendants First Plea says actio
non. because he says that he did not to a
greater degree or with more force or violence
than was necessary for the said purpose
in said plea mentioned commit the said
supposed trespasses in the said plea mentioned
in manner and form as the said Plffs
have in their said Replication alleged and
of this the deft puts himself upon the
country &c

Pratt for Deft

And for rejoinder to said Plff Replication
to deft this plea pleads said Deft says
actio non because he says that he did
not to a greater degree or with more force
than was necessary for the said purpose
in said plea mentioned commit
the said supposed trespasses in the said
plea mentioned in manner and
form as the said Plffs have in

then said Replication alleged and of this
def't puts himself upon the country &c

Pratt for Def't

And for Rejoinder to Plff replication
to def'ts fourth plea def't say actio
non because he says he did not to a
greater degree or with more force and
violence than was necessary for the pur
poses in said plea mentioned com
mit the said supposed trespasses in
said plea mentioned in manner
and form as the said Plff. have in their
said Replication alleged and of this he
puts himself upon the country.

Pratt for Def't

And for Rejoinder to Plffs second Replication
to def'ts second plea def't say actio non
because he says he did not to a greater
degree or with more force and violence than
was necessary for the purposes in said plea
mentioned commit the said supposed
trespasses in manner and form as the
said Plff hath in said Replication alleged
and of this he puts himself upon the country

Pratt for Def't

And for Rejoinder to Plffs 3^d
replication to defts 5 plea deft say actio
non. because he says he did not to a
greater degree and with more force and
violence than was necessary. for the pur
poses aforesaid. commit the said sup
posed trespasses as by said Replication is sup
posed and of this he puts himself upon the
country.

Pratt for Deft

and for Rejoinder to Plff 2^d replication
to defts 6 plea deft say actio. non. because
he says he did not to a greater degree. or
with more force and violence than was
necessary for the purposes in said plea
mentioned commit the said supposed
trespasses and of this he puts himself upon
the country.

Pratt for Deft.

Be it remembered that this
day comes the defendant Lyon and
files herein his Rejoinder to Plff Repl.
on this the 18th day of April 1832,
which is in words and figures as
follows to wit,

Jacob Armon et al } Trespass.

vs
Abijah Lyon et al. }

And now comes said
deft and for Rejoinder to Plff first Replica-
tion to deffs 1st plea say Actio non. because
he says he did not with force and violence
and to a greater degree than was necessary
for the purpose in said plea mentioned
commit the said supposed trespasses
as is alleged in said Replication and if
this he puts himself upon the country &c.
Pratt for Deft.

And for Rejoinder to Plff 1st Replication
to defts 3rd plea deft says actio non because
he says he did not with greater degree or
with more force or violence than was nec-
essary for the purpose in said plea mentioned
commit the the said supposed trespasses
as by said Replication is alleged and if this
he puts himself upon the country &c

Pratt for Deft.

And for rejoinder to Plffs 1st Replication to
deft 4 plea deft says actio non because

he says he did not to a greater degree
and with more force and violence
than was necessary for the purpose in
said plea mentioned commit the said
supposed trespasses as is alleged. in said
Replication and of this he puts himself
upon the Country

Pratt for Deft

And for Rejoinder to Plffs 2nd Repli-
cation to defts 2^d plea Defendant says
action non because he says he did not
to a greater degree and with more force or
violence than was necessary for the purpos-
es in the said plea mentioned commit
the said supposed trespasses as is alleged
in said Replication and this he puts
himself upon the Country &c.

Pratt for Deft

And for Rejoinder to Plff 2nd
Replication to defts 3^d plea says action
non because he says he did not to a greater
degree and with more force and violence
than was necessary for the purposes in said
plea mentioned commit the said supposed
trespasses as by said Replication is alleged

and of this he puts himself upon the
country &

Pratt for Deft

Be it remembered that this 18th
day of Aprill 1854, came the Defendant
McManus By Pratt his Atty and files
herin his rejoinder to Pffs Replication
which is in words and figures as follows to
wit

McManus
Rejoinder
to Pffs Rep.

Jacob Ammon & Co }
vs } Suspeps.
David McManus et al

And now comes again
David McManus the said defendant and
rejoinds to said Pffs first replication to said
defendants first plea & says actio non
because he says that he did not to a greater
degre or with more force and violence than
was necessary for the said purpose in said
plea mentioned commit the said supposed
rustrapes in the said plea mentioned in
manner and form as the said Pffs
have in this said replication alleged and
of this the defts puts himself upon the country
&

Pratt
for Deft

And for rejoinder to the said Plffs
replication to Defts fourth plea. said
defts say actio non. because he says that
he did not to a greater degree or with more
force and violence than was necessary for
the said purpose in said plea mentioned
commit the said supposed trespasses in the
said plea mentioned in manner and
form as the said Plffs have in their said plea
mentioned in manner and form as
the said Plffs have in their said replication
alleged and of this defendant put themselves
upon the country.

Pratt for Defts.

and for rejoinder to the said Plffs
Replication to Defts fifth plea said Defts
say actio non because he says that
he did not to a greater degree or with more
force, or violence than was necessary for the
said purpose in said plea mentioned
commit the said supposed trespasses in the
said plea mentioned in manner and form
as the said Plffs have in their said Replication
alleged and of this Deft puts himself upon
the country.

Pratt for Plff

And for Reply to Pffs 2^d Replication to
Deflt 2^d Plea Defs says Actio non. because
he says he did not to a greater degree and
with more force, and violence, than was
necessary for the purposes in said plea
mentioned commit the said supposed
trespasses, as by said Replication is alleged
and of this he puts himself upon the Country

Pratt for Deflt

And for Reply to Pff 3rd
Replication to deflt. 3^d plea deflt says
he did not to a greater degree and
with more force and violence than
was necessary for the purposes in
said plea mentioned commit
the said supposed trespasses as in said
replication is alleged and of this he puts
himself upon the country &c
Pratt for Deflt

Be it remembered. that this day came.
the Plffs by Richmond & Burns and
file herein his second replication to
Def't plea which is in words and
figures as follows to wit.

Jacob Ammon and
Elizabeth Ammon his wife } Marshall Co circuit
vs. } court April Term
John Cochran et al } AD 1857.
Trespass.

And now comes said Plff by
Richmond & Burns their attorneys and
for further replication to the plea by said
Cochran secondly above pleaded &
say precludi non because they say that
said Cochran at the time when & in
said declaration mentioned of his own
wrong committed the said trespasses in
the introductory part of that plea men-
tioned to a greater degree and with more
force & violence than was necessary
for the purposes of that plea mentioned
in manner and form as said Plff have
in their said declaration complained
against said defendants and this they
are ready to verify. &c Richmond & Burns Attys for
off

and for further replication to the plea
by said defendant Cochran thirdly
above pleaded say I said Plffs say
precludi non. because they say the
said defendant at the time when &c of
his own wrong and without the cause
in said plea alleged committed the said
several trespasses in said plea attempted
to be justified in manner & form as
said Plffs have in their said declaration
complained against said defendants
and of this said Plffs put themselves
upon the country &c
Deft Doth the Richmond & Burns
like. Pratt for Deft. for Plff

and for further replication to the 4th
plea by said Cochran above pleaded
said Plffs say precludi non because
they say that said defendants at the
time when &c of his own wrong and
without the cause by him in said
plea alleged committed the said several
trespasses in said plea attempted the
said several trespasses in said plea men-
tioned & form as the said Plffs have in said
declaration complained against said

defendants and of this said Pffs
put themselves upon the country &c
I etc Doth the like

Pratt for Pffs

Richmond & Burns
Atty for Pffs.

And for further to the plea by said
Cochran fifthly above pleaded said
Pffs say precludi non. they that
said Defendant Cochran at the time
when &c of his own wrong committed
the trespasses in the introductory part
of said plea mentioned to a part of said
plea mentioned to a greater degree and
with more force & violence than was
necessary for the purposes in that
plea mentioned in manner & form
as said Pffs have complained against
said defendants and that said Pffs are
ready to verify wherefore they pray judgements

Richmond & Burns
For Pffs

And for replication to the 6th plea by said
Cochran above pleaded said Pffs say
precludi non because they say that said
Cochran at the time when &c of his

of his own wrong. Committed the
 trespasses in the introductory part of said
 plea mentioned to a greater degree and
 with more force & violence than was
 necessary for the purpose in that plea
 mentioned in manner & form as said
 Plffs have in & by said declaration com-
 plained against said defendants and
 this said Plffs are ready to verify wherefore
~~Plffs are they~~ pray judgment &c.

Richmond & Burns.
 for Plff

Be it Remembered that this day come
 the Plffs By Richmond & Burns
 and filed herein their 2^d Replication
 to Deft Lyons plea, which is in
 words and figures as follows
 Lovitt. This being the 18th day of
 April A.D. 1854

Jacob Ammon &	}	Marshall County
Elozabeth Ammon his wife		circuit
vs.		April Term 1854
John Lochran & John H. Lyon	}	Trespas.
David McManus & Swamy Abramson		

And now comes the said Pffs by
Richmond and Burns their attorneys and
for further replication to the plea by said
Lyon fifthly above pleaded say precludi
non because they say that said defendant
Lyon at the time when & of his own wrong
and without the cause by him in said
plea alleged committed the said several
trespasses in said plea attempted to be
justified in manner and form as said
Pffs have in their declaration complain
ed against said defendants and of this
said Pffs put themselves upon the
country &c
Deft Doth like
Rutt for Deft

Richmond & Burns.
per Pff.

And for further replication to the plea
by said Lyon secondly above pleaded
said Pffs say precludi non because
they say that said Lyon at the time when &
in said declaration mentioned of his own
wrong ~~committed~~ committed the said
trespasses in the introductory part
of said pleas mentioned to a greater
degree and with more force and violence
than was necessary for the purposes in
that plea mentioned in manner

and form as said Plffs have in & by the
said declaration complained against
said defendants and of this said Plffs
are ready to verify wherefore they pray
judgment &c.

Richmond & Burns
for Plaintiffs

and for further replication to the
plea by said Lyon thirdly above
pleaded said Plffs say precludi non
because they say that said defendant
Lyon at the time when &c of his own wrong
and without the cause by him in his
said 3^d plea alleged committed
the said several trespasses in said
plea attempted to be justified in manner
and form as said plaintiffs have above
in their said declaration complained
against said defendants and of this
said Plffs put themselves upon the
country &c.

Deft Doth like

Pratt for Deft.

Richmond & Burns
Atty's for Plffs

And for further replication to the
plea by said Lyon fourthly above

above pleaded said Plffs say
precludi non because they say that
said Lyon at the time when & of his own
wrong & without the cause by him
in said plea alleged committed the
said several trespasses in said plea
attempted to be justified in manner
and form as said Plffs have above
in their said declaration complained
against said defendants say of this
said Plff put themselves upon the
country. &c.

Deft Dothe like
Rutt. for Deft.

Richmond & Burns
for Plffs

And for further Replication to the plea
by said Lyon fifthly above pleaded
said Plffs say precludi non. because
they say that said Lyon at the time
when &c in said declaration mentioned of his own wrong
committed the said trespasses in the above introductory part
of that plea mentioned to a greater degree & with more
force and violence than was necessary for the purposes
in that plea mentioned in manner and form as said
Plffs have in & by their said declaration complained against
said defendants and this said Plff are ready to
verify wherefore they pray judgment &c
Richmond & Burns
for Plffs.

Be it remembered that this 18th day of, April
A.D. 1855, Came the Pffs by Richmond
and Burns their attorneys and file
their second replication to Deft
Mc Manners plea. Which said plea is
in words and figures as follows To Wit

Jacob Armon & }
Elizabeth Armon } In Marshall County
vs } Circuit Court
John Cochran David } T. April term
Mc Manners Abijah Lyon } A.D. 1854.
& Swanta Abranson } Trespass.

And now

Come the Pffs by Richmond & Burns
their attorneys and for further replication to
said plea by said defendant Mc Manners
first above pleaded say precludi non because
they say that that the said defendant Mc Man-
ners at the time when &c of his own wrong and
without the cause, in said plea allege
committed the said several Trespasses in that
plea attempted to be justified in manner
and form as said plaintiffs have in
their said declaration complained against
said defendants and this said Pffs pray may
be enquired of by the court &c.

Deft Both the like
Pratt for Deft-

Richmond & Burns
for Pffs

And for further replication to said plea
by said defendant Mc Mannus secondly
above pleaded plaintiffs say precludi non
because they say that the said defendant at the
said time when &c in the said declaration
mentioned of their own wrong committed
the said Suspepes in the introductory part of
that plea mentioned to a greater degree and with
more force & evidence than was necessary for
the purposes in that plea mentioned in
manner & form as the said Plffs have
in & by the said declaration complained
against the said defendants and the
said Plffs are ready to verify wherefore they
pray judgment &c.

Richmond & Burns,
for Plffs.

And for further Replication to the plea
by defendant Mc Mannus thirdly above
pleaded Plaintiffs say precludi non
because they say that the said defendant
at the said time when &c in the said
declaration mentioned of his own
wrong committed the said several
suspepes in the interrogatory part
of his plea mentioned to a greater
degree & with more force than was

And for further Replication to the
plea fifth above by said defendants
McMannus pleaded Plff say precludi
non because he say that the said defendant
McMannus at the said time when & of
his own wrong and without the cause
by him in his said fifth plea alleged
committed said several trespasses in the
said plea attempted to be justified in manner
& form as the said plaintiffs have above
in their said declaration complained
against the said defendants and
this the said Plaintiffs are pray may
be engraved of by the Country &c.
Deft Dosh the like

That for Deft

Richmond & Burns for
Plffs

violence than was necessary for the purposes, in that plea mentioned in manner & form as the said Pffs have in & by their said declaration complainer against the said defendants, and thus the said Pffs are ready to verify whereof they pray judgment. —

Richmond & Burns
for Pff

And for further replication to the plea by defendant McMannors foolishly above pleaded said Pff say precluding non, because, they say that said defendant McMannors at the time whereof his own wrong and without the cause in said plea alleged committed the said several trespasses in the said plea attempted to be justified in manner and form as said plaintiffs have in their said declaration complained of against said defendants and thus Pff pray may be enforced by the County Court Doth the like

Pratt for Def

Richmond & Burns
for Plaintiffs

Be it remembered that on this 18th day
~~came the Plffs Oct~~ Aprile AD 1854 it
being one of the days of said term of said
court, the following order was entered
which is in words following to wit.

Jacob Ammon &
Elizabeth Ammon his wife }
vs. } Trespas
John Cochran Abijah Lyon }
David McMamers & County }
Abramson }

Be it remembered that this
day comes the Plffs and demurs to
the 4th the fourth plea of Mr Mamers and
the 5th plea of Lyon which is overruled
by the Order of the Court, where come
they and ask leave to reply and to file
two replications to each plea which is granted
by the Court. — —

Be it remembered that this day come the
defendant Cochran by Pratt his Attorney
and files herein his plea of not guilty this
being the 20th day of Aprile AD 1854
which is in words and figures as follows
To wit —

Jacob Ammon et al } Trespass
vs } circuit Court
John Cochran et al } Marshall County
April Term A.D. 1854

And now comes the said defendant John Cochran by his attorney and says he is not guilty of the said supposed Trespasses laid to his Charge in manner and form as stated in said Plaintiffs declaration and of this he puts himself upon the Country &c.

Pratt for Deft.

Jacob Ammon et al }
vs } Trespass circuit
Lyon / Abijah Lyon et al } Court Marshall
not guilty County April Term.

And now comes the said defendant Abijah Lyon by his attorney and says he is not guilty of the said supposed Trespasses in the said Plaintiffs said Declaration mentioned in manner and form as the said Plaintiffs have above declared against him and of this he puts himself upon the Country &c.

Pratt for Deft

and on this 20th day of April 1854
came the defendant David McManner
By Buttt his Atty and. files herein
his plea not guilty which said
plea is in words and figures as ~~off~~
follows "To wit."

McManner vs Jacob Ammon et al } Circuit Court
Plea not guilty } Mansfield County
David McManner et al } April Term '54
Saysafe

And now comes the said defendant
David McManner and says he is not
guilty of the said several trespasses
in the Plaintiff declaration mentioned
or either of them in manner and form
as the said Plaintiff hath above declare
ed and of this he puts himself upon
the Country &c.

Butt for Dgt.

Pleas before the Honorable Circuit Court
of the County of Marshall in the State of
Illinois, began and holden at the Court
House in the City of Lacon on the
October seventeenth day of October in the
Year of our Lord one thousand eight
AD 1854 hundred and fifty four.

Present and presiding the Honorable
Edwin S. Leland Judge of the ninth judicial
circuit of the State of Illinois
Greenberg L. Fort Clerk and Henry L. Crane
Sheriff —

Know all that among other things
the following proceedings were had
in the Cause of Jacob Ammon
and Elizabeth Ammon his wife
vs. John Cochran Abijah Lyon David
McMannus and Swanta Abramson
the following proceedings were had

Be it remembered that on this
18th day of October AD 1854 came the
Sgt Abramson by Pratt his Guardian

ad litem and files herein his plea
which is in words and figures as follows
to wit

Jacob Ammon
Elizabeth Ammon

} Circuit Court
} Marshall County

Abramson
Plau.

vs
Swanta Abramson & others

And now comes the
said defendant by his Guardian
ad litem duly appointed by this
court and says, he is not guilty of
the trespasses in the said Plaintiff
Declaration mentioned nor any one either
of them in manner and form as
the said Plaintiff hath above thereof
declared against him and of this he
puts himself upon the country &c
And the Pffs do. Swanta Abramson by his
the like.

Guardian ad litem, —

Richmond & Burns Attys for Pffs =

Loim & Pratt,

Be it remembered that on this day
19th day of October A.D. 1854, the afore
said Cause coming on to be heard
and tried and the Court gives to
the jury the following instructions
To Wit—

Ammon & Wife)
Instructions vs
for Plffs Cochran et al. }

The Plaintiffs ask the
Court to instruct the jury
1st That if the jury believe from the
evidence, that the defendants or either of
them, within eighteen months prior to
the commencement of this suit assaulted
and beat Elizabeth Ammon, and it
was not done in the necessary defence of
themselves or their property, or of the property
of Cochran the other defendants being his
servants and that said Elizabeth Ammon
was at the time of such assaulting and
beating & is still the wife of said Jacob
Ammon, then the jury ought to find
said defendants guilty of such of them as
committed a such assault & Battery.

2 If the jury believe from the evidence that the defendants or either of them within Eighteen Months prior to the commencement of this suit assaulted and beat Elizabeth Ammon and that she was and still continues to be the wife of said Jacob Ammon and that such assault and battery was not committed in the Necessary defence of themselves or their property, or in such defence of Cochrans property, the other defendant being his servants then the jury ought to find a verdict against said defendants or such of them as committed such assault & Battery

Given

3. Even if the jury should believe from the evidence that Elizabeth Ammon first assaulted the defendants or attempted to take their property a Cochrans the other defendants being his servants, yet if the jury should believe that the defendants in defending themselves or said property used more force than was necessary then the jury ought to find for the Plaintiff and against the defendants or such of them as used such unnecessary violence -

Given

Given
4th In fixing upon the amount of damages the jury may take into consideration the circumstances of the parties to the suit and if the jury believe that the Plaintiffs are poor and that the defendants are in good circumstances they may take such facts into consideration in fixing the amount of the damages. ---

Given
5th The jury are not confined to the actual damages that may have accrued to the plaintiffs but may take into consideration the injury to the feelings of the plaintiffs wife and may give exemplary damages by way of compensating the plaintiffs and also by way of punishing the defendants not exceeding the amount claimed in the plaintiff declaration.

Instructions
for Defts

Jacob Ammon
vs
John Cochran
Abijah Lyon
David McManus
Swanta Abramson

Instructions for
defendants

1 If the jury from the evidence that Ammon only had possession of the land on which the fight took place by virtue of the ~~of~~ contract given in evidence and planted the corn on said land after notice by Cochran to deliver up said land or after suit commenced by Cochran to recover the possession of the same, and after a breach of the contract by Ammon and without the consent of Cochran, and that at the time of the fight the Sheriff had delivered the possession of said premises to Cochran by virtue of the writ of Possession and judgment given in evidence Then Ammon or his wife had no right afterwards to enter upon the land for the purpose of removing the corn and such entry if made by Ammon or his wife was a trespass and

Given

Cochran and the other defendants if employed by him for that purpose had the right to use all necessary force to put them off, using no more than was necessary,

Given

2. If the jury believe from the evidence that Cochran and the other defendants were rightfully and peaceably in the possession of the premises in question and that Cochran had a right to the Corn by virtue of said Writ of Possession, the facts being as mentioned in the first instruction, and that Mrs. Ammon and her Boy, came upon the premises against the will of Cochran, then Cochran and the other defendants if employed by him for that purpose, had the right to use all necessary force to put Mrs. Ammon and her son off said land using no more than necessary and if in the use of such necessary force Mrs. Ammon was injured then the defendants should be acquitted

3 The jury are the proper judges of the
credibility of witnesses and if the jury
should believe that the boy Jacob
Ammon has told an unreasonable
story or that he has told contradictory
stories about the facts, that he has
willfully sworn falsely to any one fact
then the jury may give only such weight
to his testimony as they think it
deserves or may disregard the same entirely

4 The manner or bearing of the witness
while on the stand - and his position
as the relative of either party - are proper
to be taken into consideration by the jury
in deciding what weight should be given
to his evidence - and if the jury believe
that the boy Jacob Ammon has a
good deal of feeling against Cochran
or the other defendants, and in giving his
testimony is actuated by such feelings of
hate or ill will the jury should take
this into consideration in deciding
what account of credit should be
given to his statements.

5 The jury should not take into consideration in making up their verdict any expenses either of Doctors bills or for any thing else, incurred by Armon in curing his Wife - nor, for any, loss to bring her assistance or labor, in consequence of the ~~of any~~ injuries received in the fight from the defendants or either of them -

Given

6. The jury may find one defendant guilty and the others not guilty as they shall believe the facts to be. -

Given

7. The circumstances of the defendants or either of them are proper matters to be taken into consideration by the jury in estimating the amount of damages to be assessed against such defendants or defendant and in determining what amount such defendant or defendants are able to pay.

Given

8. If the jury believe from the Evidence that Armon planted the corn on the land after he had, or dated his contract to purchase the land and after notice given or suit commenced to recover the possession of

Green

the same by Cochran. - And that Ammon only had possession of the land under and by virtue of said contract then Ammon had no right after judgment and writ of possession executed, to take the corn grown on said land or to enter upon the same to remove such corn, and if he or his wife attempted under these circumstances to take the corn away Cochran and the other defendants if employed so to do had the right to use as much force as was necessary to prevent it using no more than was necessary. —

Be it remembered that on this 19th day of October A D 1854 it being one of the days of the hereinbefore said term of said Court, among other things the following judgment was entered, "Writ"

Jacob Ammon
 Elizabeth Ammon } Suspaps.
 Judgment ^{vs}
 John Cochran
 Abijah Lyon
 David McManus
 Swanta Abramson

Be it remembered that this
 day come this cause on to be heard and
 tried, and the issue being joined a
 jury comes to try the same. That is to say
 Samuel Maxwell, David Adams Thomas
 F. Jameson Jacob Myers William F. Foster
 Joshua Powell John Boling Theodore
 Cummins Ebenezer Dutham. Benj-
 amin S. Eldredge John Norton Duffield.
 Aay. twelve good and lawful men
 chosen selected and sworn, who after
 hearing the evidence adduced retire to
 consider of their verdict, and after
 due deliberation return into Court
 and say we the jury find the defendant
 John Cochran guilty in manner and
 form as charged in the Plaintiffs
 declaration. And the defendants
 Abijah Lyon, David McManus
 and Swanta Abramson. not guilty

as charged aforesaid. And we do assess the
Plaintiffs damages, at the sum, Four hundred
and seventy five Dollars. Whereupon come
the defendant John Cochran & his Attorney
as well in person, and moves the court
for a new trial herein

Be it remembered that this day
comes the defendant Cochran
by his Attorney and files his
own affidavit and those of Abijah
Lyon and David McMurran upon his
motion for a new trial which said
affidavits are in words and figures
as follows, To Wit.

(See copies in Bill of Exceptions

Be it remembered that on this 27th
day of October A.D. 1854 it being one of
the days of the aforesaid Terms of Court
The following proceedings were had and
judgment entered which is in words
and figures as follows to wit.

Jacob Ammon and
Judgment Elizabeth Ammon } Trespass
vs
John Cochran }
Abijah Lyon }
David McMannus }
Swanta Abramson }

Be it remembered that this
day this cause coming on to be heard upon
a motion heretofore entered herein for a
new trial by the defendant Cochran,
and the Court after hearing the evidence
adduced and the argument of counsel
and being fully advised in the premises
is of opinion that said new trial should
not be granted. Said motion is therefore
overruled by the Court. And it is
therefore considered and adjudged
by the Court that said Plaintiffs have
and recover of the said defendant John

Cochran the sum of four hundred and seventy five dollars together with their costs and charges by them about their suit in this behalf expended and it is ordered that execution issue therefor. Whereupon comes the said defendant Cochran, by his Atty and prays an appeal to the Supreme Court of this State, which is allowed upon condition that he the said John Cochran enter into bond in the penal sum of six hundred and fifty dollars with Chamney, W Barnes or Abijah Lyon as security, within thirty days from the adjournment of this Court. Conditioned that the deft will prosecute said appeal with effect and pay the judgement of this Court with the interest and cost in case said judgment be affirmed.

Be it remembered that on this
28th day of October A.D. 1854. it being
one of the days of said term of said
court. Came the parties and the
court settle and sign & seal the Bill
of exceptions herein which said bill
is in words and figures as follows
To wit

Jacob Armon	}	Trespass for Assault and Battery In Circuit Court of Marshall County Illinois at October Term A.D. 1854.
Elizabeth Armon		
vs		
John Cochran		
Abijah Lyon	}	
David McManus		
Swanta Abramson		

Be it remembered that on the trial
of this cause the Plaintiffs to prove
the issue on their part produced Jacob
Armon junior as a witness who
being duly sworn testified as follows
I am the son of the Plaintiffs
I know all the defendants to this suit
I was present at the time of the affray
between the Plaintiffs and defendants

- Don't recollect when it occurred
think it was in the winter. I and my
mother went to husk corn in the field
- The Defendants John Cochran Abijah
Lyon and Socrates Abramson were in
the field husking corn when I ~~saw~~ and
my mother arrived there. - My mother
told them to quit stealing corn. Defen-
dants John Cochran then went to his
Wagon which was standing in the
cornfield about a rod off and picked
up a rail or stake and knocked Mother
down with it she then got up and
he knocked her down again with
it. - she did not get up again after
Cochran had knocked mother down
he and Defendant Lyon and Defendant
McMannus both beat her. Mc McMannus
had a rail and beat her with it about
the back. - Defendant Abramson kicked
my mother after she was knocked down
I left them beating her and went
and called Father - When Father
came up towards where the men were
defendant Lyon ran up to him and
knocked him down with a rail.
McMannus got his Rail out of one
of the Wagons, which the Defendants

had there in the corn field. I saw him and Cochran both get the Nails out of the Wagons.

After Father was knocked down I took the Horses and went to Mr Dunlap.

Mr Dunlap and some of his men came back with me. When we come back my mother was ~~on~~ lying on the ground alone. All the defendants had left Mr Dunlap or some of his men took Mother up and put her in a wagon and took her home. I then went after Doctor Anson. The Doctor came and dressed her head. — She was not able to sit up. She was confined to her house for two months or near as I can recollect — one of her feet and one of her shoulders was sore and lame for more than two months. Cochran struck my Mother first.

The Defendants were in the field when we came there.

My Father raised the corn in that field I and my brother helped him we were at work for father. The field where the corn was, was on the land that my father had before, that bought

of Cochran. we were not residing on the the land at that time I am near seventeen years old.

(Plaintiffs then offered to prove by the said Witness the pecuniary circumstances of the Plaintiffs to which the Defendants by their counsel objected, which objection was overruled by the Court and the Plaintiff allowed to prove the same, to which ruling of the Court in overruling said objection and permitting the Plaintiff to prove their pecuniary circumstances the defendants by their counsel then and there excepted) Said Witness then testified as follows My father is a poor man, has a few head of Cattel and a span of Horses, there are Eight children of us.

Defendant Cochran has one child. He claims Eighty acres of land and has a cow or two—Most of his land is broke Defendant Lyon has a farm.

(On Cross examination said Witness testified, There were two Wagons in the field, One was Lyons—The other was Cochrans or McManners. We had no wagon in the field

My Mother was within a step or two of Cochran when she told him

to quit stealing corn Cochran then struck her with the Rail just as quick as he could go to his Wagon and get it neither Mother nor Father nor myself carried any rails or stakes or any weapon to the field. All the rails or stakes I saw were taken out of the defendants Wagon My Mother did not offer to strike any body before she was knocked down. Nor did Father or myself strike or offer to strike any body during the whole affray so far as I know.

There was no person present during said affray but Father and Mother and the defendants and myself. Neither Father or Mother nor myself had any stakes or rails or any other weapons in our hands at all during said affray.

The corn field was on the land which Cochran and Father had the suit of Forcible Detainer about. The affray was after that suit was tried in the circuit court.

The Plaintiffs then produced John Dunlap as a witness who being sworn testified as follows.—

On the day of the affray Jacob Ammon
junior came to my Barn yard I went
down with him to the corn field and
found Elizabeth Ammon lying on
the ground - her little girl beside her
I raised her up and spoke to her. she
did not speak, did not seem to re-
cognize me. I saw a wound on her
head it was bleeding I set her up and
spoke to her. I helped to put her in the
wagon. I then went to lookrens I
stopped into Ammons House on my
return Home. she was on the bed
moaning. I don't think a Doctor had
then been sent for. I got there before
any of my men did.

(On cross examination said
witness testified as follows)

Mrs Ammon is a stout woman
I have seen her cut hay with a scythe and
dig and wheel coal in a wheelbarrow
she could do a good mans work
She had been engaged in digging
coal with her husband some time
before the affray.

When I came on the ground I saw
no stake or rails.

The Defendants then, proved that said
affray occurred on the Ninth day of
December A.D. 1853. And that the land on
which said cornfield was was the same
land for which Defendant Cochran
had recovered judgement in an action
of forcible Detainer at the October
Term A.D. 1853. of the Circuit Court
of Marshall County wherein said Cochran
was Plaintiff and said Jacob Ammon
was Defendant.
Defendants then ~~read~~ read in evidence
the following complaint.

State of Illinois)
Marshall County)

The complaint of
John Cochran of said County of Marshall
who being duly sworn upon his oath
gives John Barnard Esquire a justice of the
peace of said County to understand and
be informed that on or about the 22^d
day of December A.D. 1852 he did demise
and lease to Jacob Ammon of the
County aforesaid all that certain
tract of land situate in said County
of Marshall known and designated

follows to wit: The East half of the North
East quarter of section twenty eight
(28) Township Thirteen (13) North range
nine (9) East of the fourth principal
meridian your affiant being the owner
of the same, to hold the same as tenant
at will to said John Cochran and that
the said Jacob Armon wilfully and
without force after the expiration of
said lease held over and still continues
in the possession of the premises without
the permission of this complainant
notwithstanding demand has been made
in writing by this complainant upon the
said Jacob Armon, to quit and deliver
possession thereof to him therefore he
prays that the said Jacob Armon may
be summoned to answer the said com-
plaint

Subscribed & sworn to
before me this 23^d
day of March 1853

John Cochran

John Baird
Justice of the Peace

The Defendants then read in
evidence the following judgment

John Cochran } Appellant }
vs } Appeal }
Jacob Ammon }

Be it remembered that
this day come the parties in person
and by their Attorneys and this cause
coming on be heard on a motion by
the defendant for new trial and the
court after hearing the argument of coun-
sel and being fully advised in the premises
is of the opinion that the said motion should
not be sustained it is therefore ordered by
the court that the motion entered herein for
a new trial be overruled - It is therefore
ordered considered and adjudged by the
court that the Plaintiff have and recover
of the defendant the possession of the premises
in the Plaintiff declaration mentioned and
forthwith have full restitution thereof
and it is ordered by the court that a
writ of restitution be awarded to the Plaintiff
directed to the sheriff commanding him
to deliver possession of the said premises
to the said Plaintiffs and it is further
considered and adjudged by the
court that the Plaintiff and recover of the
defendant his costs and charges by him

about his suit in this behalf expended
in this court as well the cost in the
court below and it is ordered that
execution issue there.

State of Illinois }
Marshall County }

The People of the State
of Illinois to the Sheriff of Marshall County
Greeting.

We command you that pursuant
to a certain order and judgment of the circuit
court of said Marshall County made and
entered in a certain suit on appeal wherein
John Cochran was Plaintiff and Jacob
Armon was defendant made and rendered
on the twenty sixth day of October A.D.
1853.

You cause to be delivered into
the possession of the said John Cochran
Plaintiff — The following described
real estate To wit The East half of the
North East quarter of section No Twenty
Eight (28) in Township Thirteen (13)
North Range Nine (9) East of the fourth
principal meridian being & lying in
the said County of Marshall & State
of Illinois. Which said real estate
as the said Plaintiff says is now in
the possession of the said Jacob.

Ammon Defendant or some
person or persons claiming by pur-
chase under him since the commence-
ment of said suit

And hereof fail not and make due
return of this writ and your doings en-
dorsed hereon in ninety days from
the date hereof

Witness Greenberry L Fort
Clerk of the said circuit
(Seal.) } Court and the seal thereof
{ at Lacon this twenty eighth
{ day of November, A.D. 1853.

Greenberry L Fort clerk

State of Illinois }
Marshall County } Henry L Crane
Sheriff of said county
do hereby certify and return to the circuit
court of our said county of Marshall
that by virtue of this writ I did on the 7th
day of December A.D. 1853, execute the
same by delivering to the said John
Cochran the quiet & peaceable possession
of the premises within described as by this writ
I am commanded Henry L Crane Sheriff of
Marshall County Ills.
\$ff fees \$1.00

Received of Henry L Crane sheriff of
Marshall County Illinois the possession of
the premises within described being the
East half of the North East quarter
of section Twenty eight in Township
No Thirteen North Range nine East of
the fourth principal meridian the
same being this day delivered to
me by said Sheriff in conformity
to the within writ.

December 7th AD 1853.,

Attest Jb Lou. J

John Cochran.

The Defendant then read in evidence
the following contract

Articles of Agreement made and concluded
the first day of November in the year of
One thousand eight hundred and
fifty one. Between John Cochran
of the County of Marshall and state
of Illinois party of the first part and
Jacob Ammon of the said County
and state of the second part with the
test that the party of the first part at the
request of the party of the second part
in consideration of the money

to be paid and the covenants
as herein expressed to be performed by
the party of the second part the
prompt performance of which
payments and covenants being
a condition precedent and time being
the essence of said condition hereby agree
to sell to the said party of the second part
all that certain lot or parcel of land
situate in the County of Marshall
and State of Illinois known and dis-
tinguished as the E $\frac{1}{2}$ of the North East
quarter of section Twenty eight (28)
Township Thirteen (13) North Range
nine East of the fourth principal
meridian with the privileges and
appurtenances thereto belonging
And the said party of the second
part in consideration of the premises
hereby agrees to pay to the said party
of the first part his or their executors
administrators or assigns at his
office at Henry County of Marshall
State of Illinois the sum of Five
hundred Dollars as follows viz
Two hundred dollars cash in hand
paid.

one hundred and fifty Dollars on
the 1st Nov 1852. And One hundred
and fifty dollars on the 1st Nov 1853.
with interest at the rate of six per
cent per annum from this date to be
paid in each year on the whole sum
from time to time remaining un-
paid. And also that he will well
and faithfully in due season pay or
cause to be paid all ordinary taxes
assessed for revenue purposes upon
said premises or any part thereof subse-
quent to the year 1850. And also all other
assessments which now are or may
be hereafter charged or assessed upon
or against said premises or any part
thereof but in case the said party of
the second part fail to pay any or all
such taxes or assessments upon said
premises or appurtenances or any part
thereof—whenever and as soon as the
same shall become due and payable and
the party of the first part shall pay from
time to time, or at any time any or all
such taxes or assessments or cause the
same to be paid the amount of any
and all such payments so made by
the said party of the first part shall

immediately thereupon become an additional consideration and payment to be made by the party of the second part hereto for the premises herein agreed to be conveyed, and the said party of the first part further covenants and agrees with the said party of the second part that upon the faithful performance by the said party of his indenturing in his behalf and of the payment of principal and interest of the same above mentioned in the manner specified he the said party of the first part shall and will without delay well and faithfully execute acknowledge and deliver in person or by attorney duly authorized at his office in Henry to the party of the second part his heirs or assigns a deed or conveyance of all the right title and interest of the party of the first part of in and to the above described premises with the appurtenances with covenants of warranty.

And it is mutually covenanted and agreed by and between the Parties hereto that in case default shall be made in any of the payments of principal or interest at the time or any of the times

above specified for the payment thereof
and for 10 days thereafter. This agreement
and all the preceding provisions thereof
hereof shall be null and void and no
longer binding, at the option of said
party of the first part his representatives
or assigns; and all the payments
which shall then have been made hereon
or in pursuance hereof absolutely and
forever forfeited to the said party
of the first part, or at the election of
said party of the first part his representatives
and assigns the covenants and liabilities
of said party of the second part shall con-
tinue and remain obligatory upon the said
party of the second part, and may be
enforced, and said consideration money
and every part thereof with the annual
interest as above specified be collected
by proper proceedings in law or equity
from the said party of the second part
his heirs executors administrators and
assigns.

And it is mutually covenanted
and agreed by and between the parties
hereto that in case of default in the
payments stipulated to be made by
the said party of the second part

or any part thereof and the election
of the party of first his representatives
or assigns to consider the foregoing
contract of sale at an end and prior pay-
ments forfeited the said party of the
second part his heirs representatives
or assigns who may have possession
or the right of possession of said premises
at the time of such default or at any
time thereafter shall be considered and are
hereby agreed and declared to be in
law and equity the tenant and tenants
at will of the said party of the first part
his representatives and assigns on
a rent equal to an interest of ten per
cent per annum on the whole amount
of purchase money above specified
payable quarterly yearly from the day
of such default in payment of prin-
ciple or interest. And after such
default in payment and election to
consider the above contract of sale
void ~~to~~ the said party of the first part
his representatives and assigns shall
and may have and exercise all the
powers rights and remedies provided
by law or equity to collect such rent

or to remove such tenant or tenants
the same as if the ~~the relation between~~
the relation of Landlord and Tenant
herely declared were created by an original
absolute lease for the purpose on
a specified rent payable quarterly on
a tenure at Will And that in such
case the said tenant or tenants shall
and will pay or cause to be paid all taxes
assessments ordinary and extraordina-
ry which may be laid or assessed on
such premises or any part thereof
during the continuance of such
tenancy and will not commit or
suffer any wast or damage to said
premises or the appurtenances but will
keep and deliver up on the termination
of such tenancy the said premises
and appurtenances in as good order
and repair (ordinary wear and decay
and unavoidable injury by the elements
excepted) as they were in at the commence-
ment of such tenancy.

In witness whereof the party of the first part and
the party of the second part in their own proper
person have hereunto respectively set their
hands and seals the day and year first above written

Sealed and delivered in presence of 3

John Cochran *J.P.*
Jacob Ammon *J.P.*

Received on the within Bond One Hundred
and Fifty eight Dollars being part of the 1st
payment

November 25 1857.

John Cochran

Received on the within bond thirty nine
dollars ⁵⁰ being part of the 1st payment.
December 27. 1857.

A

The defendant then read in evidence
the following notice

To Jacob Ammon

Sir you will
take notice that I hereby declare
the contract made and entered into
between you and myself on the
first day of November in the year
eighteen hundred and fifty one
for the purchase by you from me
of the East half of the North East
quarter of Section Twenty Eight
28, in Township Thirteen (13)
north of Range nine (9) East of
the fourth principal Meridian for
the sum of five hundred dollars &

the said ~~instruments~~
accordance with said agreement
to be null and void and that I
shall consider you a tenant at will
and shall treat and deal with
you as such in accordance with
the terms of said agreement

Given under my hand & seal
this 2nd day of December A.D. 1852

John Cochran 

To Jacob Ammon

You are hereby
required to remove from and
quit the premises which you
hold of me situate in the Town
Whitefield Marshall County State
of Illinois it being the East
half of the North East quarter of
section twenty eight Township
thirteen North Range nine East
of the fourth - one - line. Within
ten days from this time yours

^{or}
Dated December the 2nd 1852.

John Cochran.

This was all the evidence in said Cause.

The jury found a verdict for the Plaintiffs against the Defendants Cochran for four hundred and seventy five Dollars, and found the other defendants Not guilty. The defendant Cochran then moved the Court for a New Trial for the reasons.

1st That the Court erred in permitting Evidence to be given on said Trial to prove the pecuniary circumstances of the Plaintiffs

2^d

That the Defendant can now use the testimony of said Defendants McManis Abramson and Lyon acquitted on the trial herein

3 Because the Defendant has newly discovered evidence in this cause. The defendants then on said Motion read in evidence the following affidavits.

Jacob Ammon,
 Elizabeth Ammon } In Circuit Court of
 vs. } Marshall County
 John Cochran } Verdict at October Term
 David McMannus } A.D. 1854.
 Abijah Lyon, and } Trespass for an assault
 Swanta Abramson } & Battery.

Cochran State of Illinois }
 affores Marshall County } ss.
 New Trial

John Cochran one of the
 above named defendants being first
 duly sworn doth depose and say that
 David McMannus Abijah Lyon & Swanta
 Abramson, had nothing to do with
 collectively or individually with the
 alleged assault and Battery as declared
 by the Plaintiffs against said defendants
 in the case and the defendant has no
 doubt and verily believes the same to be
 true that the three said last named defendants
 were ~~present~~^{sued} as defendants in this cause
 for the sole and only purpose of excluding their
 testimony in the cause. Defendant further
 states that all the Stricken and assault in of any
 that this defendant done to the Plaintiff
 or either in the affray or fight in which

said said defendant is charged
of having assaulted & beat the Plain-
tiffs on Elizabeth Ammon. was done
in self defense and simply to defend
himself from the attack on him by the
said Plaintiffs & then saw Jacob with
deadly weapons. Deponent further states
that he can prove by the testimony of said
David McManus Abijah Lyon &
Swenby Abramson went into the corn
field when the alleged fight is supposed
to have occurred, with the purpose of
gathering corn that the said corn & the
80 acres of land on which it was growing
with the improvements on the same
including the fence, and said 80 belong
to this defendant, that this Defendant &
the other defendants took along with
them two teams, one belonging to
McManus & the other to said Lyon,
that when they arrived at the field defendants
saw Jacob Ammon & his son Jacob about
80 rods distant removing the fence from
said 80 acres. that this defendant then
left said Lyon & Abramson gathering
corn & went with said McManus
alone to where said Ammon & son were
removing the fence as aforesaid for the

of requesting them to desist from so doing, the said rails and fencing being the property of this defendant & on coming to said Ammon defendant forbid Ammon & son from removing the fence & told him Ammon that the fence was defendants property & that he was a trespasser in removing the same. Ammon and son were then loading the rails of said fence onto the wagon of Ammon, or one that Defendant supposed belonged to said Ammon. Said Ammon then jumped up and shook his fist at Defendant & then ran to the fence and seized a stake about 6 feet long & 3 inches ~~thick~~ wide and struck the Defendant across the shoulder with the stake. Defendant then pulled the stake out of Ammons hands & threw it down. Then said Ammon seized hold of this defendant & struck at him with his fists once or twice this defendant then took hold of said Ammon & threw him down & held him down a minute or so & then let him up. This defendant did not strike Ammon at all, as soon

was let up, he Ammon ran to the fence and got another piece of a rail, also the same stake he had before struck Defendant with and took the Wagon Hammer out of his Wagon. He then called out something in German to the horses, when he waved & motioned with his hands at the same time Jacob Ammon called to some one at the House in English to bring the gun & said that we will shoot Cochran, meaning this defendant & immediately after Mrs Ammon & another boy started on a run for the house and came towards us. Then this defendant and McManners started back towards Lyon in the cornfield. Ammon & his son Jacob with the said fence stakes & Wagon Hammer in their hands followed on at first after said McManners & defendant. Ammon ran for the defendant & was going towards the horses in the cornfield then McManners ran ahead of Ammon. Defendant came on behind and Ammon & McManners & the other defendants some 8 or 10 rods behind him came Mrs Ammon.

and her son Jacob. That Ammon
when he reached the cornfield where
Lyon was went up to Lyon & raised his
club or staff to strike him (Lyon)
Ammon then went to the head of
Lyon's horses team & made motions
to strike the horses over their heads. That
Mr. Mannes then went and got Ammon
Shannon with the wagon to hold the
horses the defendants then then came
up near the wagon & immediately
after him. Mr. Ammon & her son Jacob
Mrs. Ammon then immediately
went to the husband & ~~was~~ ^{was} ~~went~~ ^{went}
one of the staffs or clubs from him
then made motions at the head of the
horses to strike them. Then she raised the
said Club or staff to strike said Mr.
Mannes she then turned and came
towards this defendant who was
standing about a rod from Mr. Mannes
and as soon as she was in reach of me
she struck me with said Club or staff
across the breast & shoulders the club
dropped from her hands she then seized
defendant by the hair with both hands &
pulled him down some seconds & while

she was holding him Defendant down
by the hair Ammon came up and
struck Defendant over the eyes with
the Wagon Hammer, & about the same
time & while Mrs Ammon had hold of his
dependents hair Jacob Ammon
struck Defendant with one of said stakes
over the back & shoulders several times
McMannus in the mean time had
both Ammon and held him still
for a time. Mrs Ammon, then left
Defendant & went to her husband then
Mrs Ammon with one of said nails
or stakes in her hands & Ammon with
the the Wagon Hammer, both ran
towards this defendant this defendant then
picked up one of said stakes and as
Ammon came up in a furious manner
with the Hammer raised to strike at
defendant this defendant to defend
himself then struck Ammon with the
stake he held in his hand the blow knocked
Ammon Against his wife and they
both partly fell over, Mrs Ammon
then got up and rushed at Defendant
with the stake raised to strike, defendant then
~~got up and~~ struck her in order to
defend himself. Defendant all the time

standing still & did not stir out
of his truck said said blow ~~knocked~~
knocked Mrs Ammon on the head
she then got up and rushed at Defendant
a second time, this defendant then
~~struck her down~~ knocked her down
as she came at him. This defendant
and the other defendants then left
that all the blows struck by the
defendant in said fight or affray
was the ones before described. That the
other defendants did not ~~with~~ either
of them strike beat or kick in any way
manner the said Plaintiff or either of
them. That the defendants nor either of
said defendants took into the said
cornfield any clubs rails or stakes in
their wagon or in any other manner
that all the clubs stakes rails there at
the ~~battle~~ fight were the ones brought
there as aforesaid by the Plaintiff and
their son Jacob Ammon that the said
defendants Abramson was in the wagon
all the time after the fight commenced in
the cornfield until the defendant
left the fight was over. That just
as the said Defendants were leaving

a small boy, defendant supposed
to be a son of Plaintiff ~~supposed to be~~
came up with a gun. that the only
person present at said fight was
the said Defendant in this suit -
the Plaintiff & their son Jacob when
the small boy came with the gun.
At the time deponent struck Mr Ammon
the last time Deponent believes and still
believes that he was in great bodily danger
and deponent believes now and then be-
lieved that his life was in danger from the
violent attack and assaults of the said
Jacob Ammon and Elizabeth Ammon
and deponent can clearly show by the
testimony of said McManus Lyon
and Abramson all the foregoing facts
Deponent further says that all the facts
stated in this affidavit are true Deponent
is unable to pay the judgment rendered
against him in this cause that he is
possessed of but a bare competency
for a livelihood by hard manual labor
and that if forced to pay the amount of
the judgment ~~against~~ against
him that it will reduce him and his
family to poverty and want.

Deponent knows of no other witnesses
witnesses by whom he can prove the
fact herein stated but can procure
the attendance of said Lyon Mr
Mannus and Abramson at the
next term of this court and can
by them prove all the facts herein stated
Deponent further say that since the
trial herein he has been informed
and believes that he can procure testimony
to show that the said Elizabeth Ammon
was not confined to her house by
reason of the injury received in the
said affray not to exceed two weeks
and deponent believes only for a
few days. That Deponent never heard
and had no intention or belief that
the said Elizabeth Ammon was con-
fined to her house for the space of two
months as testified to by the said Jacob
Ammon Jr. That the said testimony
of said Jacob took Deponent by surprise
and he had no opportunity of obtaining
the attendance of witnesses to disprove
said statements at said trial but has
no doubt he can procure such testimony
by next term of this court.

Deponent further says that the testimony of said Jacob Ammon junior on the trial of this cause was in every material point false and deponent verily believes that said Plaintiffs procured and induced the said Jacob to swear falsely in this cause for the sole purpose of defrauding deponent of the benefit of the testimony of said Mr. Mammur, Abramson and Lyon, and to falsely and fraudulently obtain a judgment against this defendant by such testimony when by right and justice no judgment ought to have been rendered against Deponent And deponent is informed and believes that the only testimony upon which the jury found their verdict herein was the said false testimony of the said Jacob Ammon junior. Deponent further says that the said Jacob Ammon junior at the last term of of this Court testified that the said Mrs Ammon was confined to her house or bed about two weeks And deponent never heard that it was claimed by said Plaintiff or by any body else that the said Mrs Ammon was confined to her house for the

space of Two Months as testified
to. at the present term by said Jacob
Armon Junior until his testimony
at this term.

John Cochran,

Subscribed & sworn to }
before me this 21th. }
day of Oct. 1854. }
G. L. Fort clerk }

Lyons	Jacob Armon	}	Trespass for assault and battery in Marshall County Circuit Court Verdict at October Term A.D. 1854.
Affidavit for Elizabeth Armon	vs.		
New Trial	John Cochran		
	Abijah Lyon		
	David McMannus		
	Swanta Abramson		

State of Illinois }
Marshall County } p.

Abijah Lyon one of the above
named defendants being first duly
sworn according to law doth depose and
say that he was present during the affray or
fight in which it is alleged the assault

and Battery mentioned in the Plaintiffs Declaration therein took place That deponent was in the employ of said Defendant Cochran That Deponent under the direction of Cochran on the morning of said affray started with deponents Wagon and team from Cochran House to go to the Corn field in which said affray took place for the purpose of gathering corn. Defendant Cochran walked along by the side of Deponents Wagon and Defendant Mr Manners alone his team and wagon immediately after deponents Wagon When we reached the field of corn there was no one in or about said field except the said Defendants When we arrived at the field of Corn Abramson and myself went to gathering corn under the direction of Cochran Cochran had discovered Ammon tearing down a fence that enclosed said field about 80 Rods distant from where we were and as Mr Manners started down towards where Ammon was I saw no more of them or of Ammon for probably twenty minutes when Ammon and Mr Manners came up towards me upon a run Ammon came right up to me. had a post of a Rail

of fence stake in his hand which he was
flourishing and drew it up to strike me
saying I was stealing corn. he drew up
his club to strike me. twice but did not
strike he then went to the Horses and
made motions at their head with his club
about this time Cochran came up and
went past my wagon. Then for the first
time saw McAnnamora she was following
Cochran was coming fast the boy also
came up about the same time W^m
Ammon. when she got up to my wagon
went up to Ammon who was then
making motions towards the Horses
with his club took the club away from
him and she then attempted or threatened
to strike my Horses. with the club she then
started off with club towards McAnnamora
and Cochran. who was standing off some
rods on the other side of my wagon.
The wagon was then between me and
them and the next I saw was W^m Ammon
holding Cochran down over her by
the hair. she sitting down on the ground
and the by faced Ammon was at the
same time striking Cochran. across
the back with the stake or club which

Ammon had first brought there
I then a minute after, ^{said} Cochran struck
Mr Ammon. My Horses frightened
a little and my attention was directed
to them and the next I saw Cochran and
Mr Mammus were leaving and Ammon
was coming at me with a wagon
hammer in his hand & then left I did
not at any time during said affray
strike any body - nor did I have a Club
or other weapon in my hands during the
whole affray. I know there was no Clubs
Stakes Fence Rails or other Weapons or weapons
taken to said field in either of the Wagons
taken thereby Mr Mammus or myself or by
either of the Defendants herein. The only
weapons brought on said grounds or
used by ~~any~~ body, at or during the said
affray, were brought there by the said
Ammon. I did not see Mr Mammus or
Cochran have any stake or club or other
weapon in their hands during said affray except
Cochran when he struck Mr Ammon as
before stated. Abramson during all the time
of said affray was in my wagon and could
not and did not strike or kick any body.
There was no expectation of a fight by the
said defendant or any of them when

He went to said field so far as deponent
knows or believes and defendant did
not hear one word said about an
expected fight of any time before the same
took place Deponent did not know of see
any other striking or fighting during
said affray except as herein stated Cochran's
Head was badly cut by the blow from Ammon
~~It was a cut about~~ with the wagon Hammer
It was a cut about an inch long and
I should think about to the bone. it bled
a good deal covering one side of his face with
Blood. The only persons present during
said affray were Cochran, McManis
Abrahamson, Ammon, Mrs Ammon and their
son Jacob and myself

I never at any time during said affray or before
or after the same, attacked said Jacob Ammon Plaintiff herein
while he was coming up towards me I had no
club or weapon at that or any other time
during said affray, and further saith not
Subscribed & sworn to
before me, this 27th day
of Oct 1854 J. Fort clerk

Abijah Lyon,

Jacob Ammon
Elizabeth Ammon

vs.

John Cochran
David McMannus

Abramson
Aff for Swanto Abramson
New Trial,

Insup for assault and
Battery in circuit court
of Marshall county
Verdict at October Term
A.D. 1834.

State of Illinois
Marshall county, }
}

Swanto Abramson one

of above named defendants being first
duly sworn doth depose and say that
he was present during the fight or affray
in which the assault and battery charged in
Plaintiffs Declaration herein was if at all
committed That Dependant was in the
employ of Cochran and went on the morning
of said affray with defendant Lyon in Lyons
wagon from Cochran's horses to the corn
field where said fight took place That
Cochran went to said corn field on
foot and Mc Mannus drove his
team immediately after Lyons wagon
That when we got to the corn field there
was no one there in or about said corn
excepting the said defendants that
deponents and defendant Lyon

under the direction of Cochran commenced gathering corn. That Cochran then saw Ammon leaving down a fence some 80. Rods from where we were and he and Mc Manners went down towards Ammon. I saw no more of either of them or of Ammon until some fifteen or twenty minutes after when Mc Manners and Ammon and Cochran Mrs Ammon and the boy Jacob all came back on a run. Ammon had a rail or fence stake in his hands when he came up.

We went and made motions as if going to strike Lyon with the Rail. He then went to the horses and made motions as if he would then Mrs Ammon went and took the Rail from her husband and raised it as if she was going to strike the horses in the head. I then jumped up in the wagon to hold the horses. Then Ammon and his wife, she carrying the rail went by the wagon towards Mc Manners and Cochran. She stopped before Mc Manners and raised the club as if going to strike him then passed by him towards Cochran as soon as she got in rear of Cochran

she hit him a heavy blow with the rail across the breast she then dropped the Rail and got hold of Cochran's Hair with both her hands and set down on the ground and pulled him down over her while she was holding Cochran by the hair the boy Jacob Ammon Jr. got the club she had dropped and was striking Cochran with it across the back before the boy got rail and was striking Cochran Ammon went up to Cochran and struck him on the head with a wagon Hammer then McManus took Ammon then McManus took Ammon off. and while Mr. McManus was holding Ammon the boy Jacob was striking Cochran Cochran got up and Ammon Mrs. Ammon was rushing at him when Cochran got hold of the rail or club which the boy had and struck Mrs. Ammon I think he struck her twice both times when he was rushing at him This was all the striking I saw him Cochran do - None of the defendants herein carried any rails or fence stakes or any weapons of any kind upon the ground either in the wagons or either of them or in any other manner

and all the Clubs or weapons of any
kind or said grounds or used in said
fight were brought there by Ammon
himself ^{neither} ~~and~~ ^{nor} Mr.
Marmers struck or offered to strike either
Ammon or his wife or boy and I did not
kick or strike ~~at no time~~ Mrs Ammon
at all and was at no time ~~etc~~ near
enough to her to strike or kick her—
Cochran did not attempt to strike any
body but Mr Ammon and that
not until after Mrs M^r Ammon had
struck him with the club and held him
down by the hair and Ammon
had struck him with the Wagon Hammer
and the boy had repeatedly struck him with
the Club Cochran did not go towards
Mrs Ammon when he struck her but
stood still both times and when she
rushed up to him then struck her
Cochrans forehead where he was struck
with the Wagon Hammer was cut badly
and bled a good deal the Club was about
an inch long and covered one side of
his face with blood. There were nobody
but Ammon his wife and by and
Cochran Mc Marmers Lyon. and myself
present during any part of said affray

only just about the time when
Cochran was striking Mrs Ammon
Another boy came there with a
gun. I suppose it was one of
Ammons boys

Subscribed and
sworn to before me

this 27th day of Oct
1854.

Sworn to Ammon

G. L. St. Clair

Jacob Ammon }
 Elizabeth Ammon } Respub for assault
 vs. } battery in Marshall
 John Cochran } County Circuit Court
 Abijah Lyon } verdict at October
 David McMamers } Term A.D. 1855
 Shwanta Abramson }

State of Illinois }
 Marshall County }
 Affidavit of David McMamers }
 one of above named defendant being
 first duly sworn according to law
 depose and say that he was present
 during all of the fight or affray in
 which the assault and battery
 charged in the Plaintiffs declaration herein
 is alleged to have been committed
 That he saw the commencement of
 said fight or affray and witnessed the same
 from its commencement to its close
 That the said fight or affray was as follows
 This deponent was at work for said defen-
 dant John Cochran. Deponent in company
 with the other defendant herein started from
 Cochrans House on the morning of said
 fight about nine o'clock to go to the
 corn field in which said fight took

place for the purpose of gathering corn
Defendant Lyon drove his Horses and
Wagon to said Field and defendant
Abramson went in the same wagon with
him Cochran walked along by the side
of Lyons Wagon and defendant drove
his Wagon to said field immediately
after said Lyons Wagon. We all arrived
at the field of Corn together and there was
no body about or in said field of corn
at the time of the arrival there of said defen-
dant. Said Lyon and Abramson
under the directions of Cochran and
Defendant went off some 70 or 80 rods
to the fence bounding said Field -
which fence the Plaintiff Jacob Ammon
and his son Jacob Ammon junior
were tearing down and putting the rails
of which the same was made on a wagon
standing by Cochran addressed Jacob
Ammon and told him in substance that
he Cochran owned those Rails and that he
forbade him (said Ammon) from
removing the same - said Ammon
then immediately swung a stake about
6 feet long and 3 inches wide and
which struck Cochran across the shoulders
with the stake he then threw the stake

down or Cochran seized the same
and both Ammon and Cochran
clinched and Cochran threw Ammon
down and held him still. for about
a minute then let him up Cochran
did not strike Ammon at all as soon
as Ammon was let up by Cochran he
Ammon ran to the fence and got
another piece of a rail and the same
state he had before struck Cochran with
and took the Wagon hammer out of his
wagon he then called out something in
German to the house and motioned with
his hands at the same time Jacob
Ammon Jr called to someone at
the house in English to bring the gun
and immediately I saw Mr Ammon
and another boy state from the House
of Ammon on a run and came
towards us Cochran and the Cornfield
and Ammon and his son with the
fence state or clubs and the Wagon
Hammer followed on at first after
us. Then Ammon who was running
passed Cochran and was going
towards the teams in the Cornfield
I ran on ahead of him Cochran
came on behind Ammon

Ammon and me and after
Cochran some 8 or 10 Rods behind
him Mrs Ammon and Jacob
her son, came. Ammon when
he reached the cornfield where Lyon
was went up to Lyon and raised
his Club to strike Lyon. Lyon made some
motion towards him. And Ammon
then went to the head of Lyon's team and
made motions to strike the Horses over
their Heads. I went and got hold of the
lines and got the defendants Abramson
to get into the wagon and take hold
of the reins and hold the horses.
Cochran came up to us and immediately
y after him ~~Ammon~~ Mrs Ammon
and her son Jacob. Mrs Ammon ~~then~~ went
immediately to her husband and wrenched
the Club from him. she then made motions
to strike the Horses - then came and raised
her Club at me. I looked at her and laughed.
She then turned and went towards Coch-
ran who was standing about a rod
from me. and as soon as she was
within reach of him she struck him
with the Club dropped from her hand
and she seized Cochran by the hair
with both her hands and pulled

him down she held Cochran down
some seconds and while she was
holding him down her husband
Ammon came up to him and
struck Cochran over the eye with the wagon
hammer - I then took hold of Ammon
and pulled him away and held
him still for a time Mrs Ammon
then left Cochran and came towards
me and set go of Ammon and
dodged behind him, then Mr Ammon
and Amm both ~~him~~ turned and
came towards Cochran the old man having
the wagon hammer in his hand Then Cochran
got hold of the stake which Mr Ammon
had struck him with and as he came up
he struck Ammon with it. He did not
step towards them at all. but just stood
still until they came upon him. Ammon
was a little in the advance when they reached
Cochran the blow knocked Ammon against
his wife and they both fell over them Mr
Ammon got up and rushed at Cochran
and Cochran then struck her during all
the time Cochran did not stir from his
tracks but stood still - the blow knocked
her on to her knees she immediately got

got up again and rushed at Cochran
and Cochran then struck her the second
time and knocked her down Cochran
and Lyon and Abramson and myself
then all left as soon as possible and
went to Cochran's House. I saw Cochran
during all the time he was fighting with
Mrs Ammon and know that he did
not strike Mrs Ammon but twice, and
those times under the circumstances
as herein stated. There was no state
or rails or any weapon or weapons of
any kind whatever taken to said Com
field either in the wagon or either of
them or by any of the defendants herein
and the only weapons in said Com
field used by any body was during
said fight were brought there by Ammon
or his wife or son. Dependant further
says that the Defendants herein had not
previous to going to said field prepared
in any manner whatever for any fight
whatever & that not one word had been
said to Dependants knowledge about there
being any ~~poss~~ probability or prospect
of a fight at all - Dependant further
says he knows that Cochran did not
commence any attack whatever

upon either Armon or his wife but
did during the whole affray act entirely
upon the defensive Depoant further
says that he did not strike said Mrs
Armon or any body else during all
of said affray and that said defen
dant Lyon did not so far as Depoant
knows or believes. That the only
fighting or striking done during
said affray has been herein ^{narrated} ~~correctly~~ ^{correctly} by Depoant

Cochran's head was badly cut by the
blow from Armon. The cut
was about an inch long and
bled a good deal. covering one side
of his face with blood. And further
depoant says there was no one present
at said affray but Cochran Lyon
Abramson Armon & Mrs Armon
and their son Jacob And further
Depoant says not. Subscribed &
Sworn to before me

This 27th day of Oct. David McManus
1854 J. L. Fort Clerk

which motion of the said defendant,
the Court overruled and entered
final Judgment herein against
said Defendant Cochrane upon
the verdict of the jury.

I which decision of the Court
in overruling said motion for
new Trial and entering Judgment
on the verdict. The Defendant
by his Counsel then and there ex-
cepted and prays that this bill
of Exceptions may be duly allowed
and signed and sealed and made
of Record to this cause. Which
is accordingly done.

Edwin S. Leland *Seal*

Judge &c

Be it remembered that on
the 13th day of November 1854,
Came John Cochran and filed
his appeal bond in this cause
in conformity to the order herein
entered which said bond is in
words and figures as follows
to wit,

Bond Know all men by these presents
that we John Cochran and Chancy
W Barnes are held and firmly bound
unto Jacob Ammon & Elisabeth
Ammon in the penal sum of six
hundred and fifty dollars lawful
money of the United States for the
payment of which well and truly
to be made we bind ourselves our
heirs and administrators jointly
severally and firmly by these presents
witness our hands and seals this
sixth day of November A.D. 1854.

The Condition of the above obligation
is such that whereas the said Jacob
Ammon & Elisabeth Ammon
did at the October Term of the cir-
cuit court of Marshall County &
State of Illinois recover a

judgment in said Court against
the above bounden John Cochran
for the sum of four hundred and
seventy five dollars and costs of
suit from which judgment the said
John Cochran has taken an appeal
to the Supreme Court of the State of
Illinois.

Now if the said John Cochran
shall prosecute his appeal with
effect and shall pay whatever
judgment may be rendered by
the Court upon dismissal or trial
of said appeal then the above
obligation to be void otherwise
to remain in full force and effect.
Subscribed the day and year aforesaid

John Cochran *Seal*

Chauncey M. Barnes *Seal*

State of Illinois }
Marshall County } ss.

I Greenberry L
Fort clerk of the circuit court of said
County do hereby certify that the
foregoing is a true and correct transcript
of the Record and copies of the papers
in the case of ~~William A Blanchard~~
against Jacob Ammon And
Elizabeth Ammon against
John Cochran Abijah Lyon David Mc
Mannus and Shwanta Abramson
in Trespas. heard in the said court at
the October Term thereof A.D. 1854 and
appealed to the Supreme Court by said
John Cochran as appears in my
said office

In Testimony whereof I
have hereunto set my hand
and affixed the seal of said
court. at Lacon in said
County this first day of
June A.D. 1855;

Greenberry L Fort
Clerk

Look run
✓
Ammon



500

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