

No. 13967

Supreme Court of Illinois

Atkinson

vs.

Lester et al

71641  7

Sup Court. }
Dec. T. 1837. } 3

Attorneys } Appellants }

Lester & Co. } Appellees.

This was a ~~action~~ action under the Statute of Forcible Entry & Detainer tried by appeal: Forcible Entry & Detainer, and not a forcible detainer after entry made where it was not given by Law —

1. We think the Court erred in giving judgment for Lester, because the affidavit did not sufficiently describe the premises: that under this act the premises must be described by Abbeys, tals. or by legal subdivisions.
2. We contend, that the Court erred in refusing to give the 6th instruction, "That a mere trespass without other acts of force and violence, is not such force and violence, as will constitute a forcible Entry & Detainer: See 3 Burr. 1731. 1 Russell on Crimes 287. 1 Yeates 507. cited 1 Russell 283. 1 Burr. 35."
3. We contend that the Court erred in refusing to give the 9th instruction, "That the party must enter with strong hand, or force and violence."
4. That the Court erred in including the 9th as they did: "That a difference existed between our Law, and that of England & the Countries" We think there is no such difference, as to the Character of the injury, only ^{as to} the remedy to be applied.

Warrant for Attorneys —

Atkins

^v
Lester

Brief for opposite
Council

13967

Supreme Court. }
Decr Term 1837. }

Atticism } appellants

Sister Tals } Appellees.

This was an action under the statute of Forcible Entry & Detainer, tried by appeal: For a forcible Entry & Detainer, and not for a forcible Detainer of the Entry where it was not given by law.

1. We think the Court erred in giving judgment for the appellees. Because the affidavit did not sufficiently describe the premises: That in latter act, the premises must be described by abutments, or by legal subdivisions.
2. We contend that the Court erred in refusing to give the 6 instruction asked. "That a man trespass without other acts of force and violence, is not such force and violence as will constitute a forcible Entry & Detainer."
See 3 Burr 1731. 1 Russell on Crimes 287. 1 Yates 401. cited 1 Russell 280.
1 Brew 35.
3. We contend that the Court erred in refusing to give the 9 instruction "That the party must enter with strong hand or force and violence"
4. That the Court erred in giving such instructions to the jury as they did give: Stating that a difference existed between forcible Entry by one Law & the English & other Laws.

We contend that there is no difference
as to the character of the injury, only
as to the remedy.

Wm. J. Atkinson

Atkinson

Atkinson

Atkinson