

12136

No. _____

Supreme Court of Illinois

Brennan, et al

vs.

People

71641  7

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Ken Breunel et al.

Prosp. to R.D.

Recs.

/ 2136

Filed June 21. 1854.
Island Ck.

1853

[12, 34-7]

United States of America
State of Illinois

Pleas before the Hon Isaac G. Wilson Judge of
the thirteenth Judicial Circuit of the State of Illinois
at a Term of the Kane County Circuit Court begun
and held at the Court House in Geneva in said
County on the 8th day of May in the year of
Our Lord One Thousand Eight Hundred and fifty four

Present the Hon ^{Isaac G. Wilson} ~~Rackham~~ ^{Isaac G. Wilson} Judge

Al. Mc. Boyer States attorney
Noah B. Spalding Sheriff

Attest

L. Dearborn Clerk

Be it remembered that heretofore to wit
on the 29th day of February A.D. 1854. The following Transcript
from the records of the LaSalle County Circuit Court was filed
in the office of the Kane County Circuit Court which is
in the words of figures following to wit

State of Illinois
LaSalle County

Pleas before the Honorable Edwin L. Lefand
Presiding Judge of the ninth Judicial Circuit
of the State of Illinois at a term of the Circuit Court in and for
said LaSalle County commenced and held at the Court house
in Ottawa on Monday the fourteenth day of November A.D. 1853
the same being the second Monday in said month of November
of the Seventy Eighth year of American Independance

Present The Honorable Edwin L. Lefand Presiding Judge

Phil Lindsay Clerk

H. H. L. Wallace States attorney

Richard Thorne Sheriff

Lafayette Circuit Court. November Term. 1853
 Wednesday Dec 21

on Wednesday December 21st 1853. the same being one of the days of said Term of said Court the following order of Court appeared of records to wit

It being suggested to the Court by the State Attorney that since the discharge of the grand jury. One Albert Story has been murdered in this county and also that the crime of forgery has been committed. On his motion it is ordered by the Court that the Sheriff summons a jury of five to three grand jurors to appear for the purpose of Enquiring into & making true presentments as to such matters as shall be given them in Charge

And afterwards to wit on the same day the following further matters were entered of record viz

This day the Sheriff returned into Court pursuant to the order heretofore made herein the following named jurors as having been summoned as Grand jurors to wit William Reddick Gideon Mace Thomas Mason E. Jordan Patrick Kealigan John H. H. Hutteringer George Pearce William Baiger Reuben Drake Joseph Skinner William Oak George Cook Noah R. Smith Joseph Platt Ephriam Sprague Hopley Drue H. L. Thompson Arthur Legwood R. D. Lyman Olson Woodruff E. L. Waterman and George Churchill who gave their attendance

Whereupon the Court Appoint William Reddick foreman who together with the others in Attendance are duly sworn and charged as a Grand jury in & for the County to Enquire into & true presentment make of such matters and things as shall be given them in Charge. And thereupon said

Grand Jury return to consider of presentments and Indictments

Afterwards on Saturday Dec 24th 1853
the same being one of the days of said Term of Court the follow-
ing further proceedings appears of record in said Circuit Court
that is to say

This day the Grand Jury return into open
Court the following bills of Indictments as true bills to wit:

(Among them there is the following)

The People vs

vs

Ken Brennan

Indictment for Murder

James Perry Patrick Durkin Owen O Neil Martin Ryan
James Kennedy Philip Shay John Ryan Michael Perry John
Murphy James Connell & Anthony Sayer

And on Friday December 31st 1853 the
same being one of the days of said Term of said Court the
following Order was entered of record in said Court viz

The People vs

vs

Ken Brennan

Indictment for Murder

James Perry Patrick Durkin Owen O Neil Martin Ryan
James Kennedy Philip Shay John Ryan Michael Perry
John Murphy James Connell & Anthony Sayer

This day comes the people by Wallace
their Attorney and the Defendants Ken Brennan James Perry
Patrick Durkin Owen O Neil Martin Ryan John Ryan
Michael Perry John Murphy & James Connell in their own
proper person who are furnished by the Clerk of this Court with
copies of the Indictment herein together with the list of the names

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of the petit juries and a list of the names of the People's Witnesses

Also on Tuesday January 3^d 1854. the same being one of the days of said Term of said Court the following further order appears of record in said Cause viz

The People vs

Indictment for Murder

Wm. Brennan

James Servey Patrick Durkin Owen O'Neil Martin Ryan
John Ryan Michael Servey John Murphy & James Connell
impeled with James Kennedy Philip Shay. And Anthony Saye

This day comes the defendants

19.
Wm Brennan James Servey Patrick O'Neil Martin Ryan
Ryan John Ryan Michael Servey John Murphy and
James Connell each in their own proper person and enters
a motion to quash the Indictment herein which motion
is overruled by the court And the said Defendants bring
demands of and concerning the premises how they may acquit
themselves herein each for himself says he is not guilty in
manner & form as charged in the Indictment And said defendants
declaring that they are not ready for trial. It is ordered that
they be remanded to the common jail of this county

And afterwards to wit on Wednesday
January 4th 1854 the same being one of the days of said
term of said circuit court the following further proceedings
appear of record in said Cause to wit

The People vs

Indictment for Murder

95- v

Wm Brennan

James Servey Patrick Durkin Owen O'Neil Martin Ryan
James Kennedy Philip Shay John Ryan Michael Servey

John Murphy James Connell & Anthony says

This day again comes the People
by Hallan their attorney and the defendants Kern Brennan
James Perrey Patrick Durkin Owen O. Neil Martin Ryan
John Ryan Michael Perrey John Murphy and James Connell
in their own proper persons and thereupon the court assigns
Meigs Glover, Esq. as counsel for Patrick Durkin Owen
O. Neil John Ryan John Murphy and James Connell
and Meigs Hollister & Leavelle as counsel the defendants
Kern Brennan James Perrey Michael Perrey and Martin
Ryan And the defendants Kern Brennan James Perrey &
Michael Perrey and Martin Ryan by their counsel moves
the court for a change of venue herein and in consideration
|| It is ordered by the court that a change of venue be had herein
as to said last named defendants to Kane County Circuit
Court And on motion of the State attorney it is ordered by
5. the court that the Sheriff of this County be required to deliver
the bodies of the said Kern Brennan James Perrey Michael
Perrey and Martin Ryan into the custody of the Sheriff of
Kane County at least three days before the first day of the next
term of said Kane County Circuit Court. And also comes
personally before this Court Lester A. Gallup, Matthew Doyle
Henry Anthony Hugh A. Corro William Madley James Dobb
Myron J. Lightheart Osmus W. Baldwin Joseph M. Ryan
J. L. Borchers Thomas J. Field Henry A. Chapman who
severally acknowledge themselves to owe and be indebted to the
people of the State of Illinois in the sum of One hundred
Dollars Each to be levied of their goods and Chattels lands
and tenements as the Law directs to be void upon condition
that they severally personally be and appear before the Circuit
Court of Kane County in the State of Illinois on the
first day of the next term thereof to testify and the truth
to speak in behalf of the people of the State of Illinois in

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a certain Indictment for murder preferred by the Grand Jury
of LaSalle County in said State against Kem Brennan
James Perry Martin Ryan and Michael Perry impleaded
with James Kennedy and others which said Indictment has
been removed on change of venue from said LaSalle County
to Kane County Circuit Court and not depart the said
Kane County Circuit Court without leave otherwise in force

State of Illinois
LaSalle County

I Philo Lindsey clerk of the Circuit
Court in and for said County do hereby certify
that the above and foregoing is a true full and complete copy
of all the proceedings in the foregoing case so far as the same
relates to Kem Brennan James Perry Michael Perry and
Martin Ryan as appears of record in my Office

In testimony whereof I have hereunto set
my hand and the seal of said Court at Ottawa
this 24th day of February A.D. 1857

Philo Lindsey Clerk

And Whereas it appears from the
Records files of the LaSalle County Circuit Court in the above
entitled suit that the following Indictment was filed in
said case which is in the words and figures following
to wit

STATE OF ILLINOIS, }
 La Salle County. } ss. Of the November term of the said La Salle County Circuit
 Court, in the year of our Lord one thousand eight hundred and fifty three.

The Grand Jurors chosen selected and sworn in and for said county of La Salle, in the name and by the authority of the people of the State of Illinois, upon their oaths present, that James Kennedy, late of said county, Kern Brennan, late of said county, James Tewey late of said county, Owen O'Neil, late of said county, Patrick Durkin, late of said county, Martin Ryan, late of said county, Phillip Shay, late of said county, John Ryan, late of said county, Michael Tewey, late of said county, John Murphy late of said county, and Anthony Sage late of said county, and James Connell late of said county.

On the fifteenth day of December, in the year of our Lord, eighteen hundred and fifty three, at and within the said county of La Salle, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil, with force and arms, in and upon one Albert Story, in the peace of God and of said people, then and there being, feloniously, wilfully and of their malice aforethought did make an assault, and that the said James Kennedy with a certain club of wood of the length of three feet, and of the value of one cent, which he the said James Kennedy in his right hand then and there had and held, in and upon the head of him, the said Albert Story, then and there feloniously, wilfully and of his malice aforethought did strike, giving to said Albert Story with the club aforesaid, in manner aforesaid, in and upon the head of him the said Albert Story several mortal strokes wounds and bruises, to wit; one mortal wound on the head of him the said Albert Story, of the length of four inches, and of the depth of one half an inch, of which said mortal wound the said Albert Story then and there instantly died and that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell and Anthony Sage, then and there feloniously wilfully and of their malice, aforethought were present standing by aiding abetting and assisting the said James Kennedy in the felony and murder aforesaid, in manner and form aforesaid to do and commit, and so the jurors aforesaid, upon their oaths aforesaid, do say that the said James Kennedy, Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell and Anthony Sage, the said Albert Story in manner and form aforesaid, on the said fifteenth day of December, in the year aforesaid at the county aforesaid, feloniously, wilfully and of their malice aforethought, did kill and murder, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the same people of the state of Illinois.

And the jurors aforesaid, upon their oaths aforesaid in the name and by the authority of the people of the State of Illinois, do further present, that the said Martin Ryan, Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy and Anthony Sage and James Connell, late of said county, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the said fifteenth day of December in the year aforesaid, with force and arms, at and within the county of La Salle aforesaid, in and upon one Albert Story, in the peace of God and of said people then and there being, feloniously, wilfully and of their malice aforethought did make an assault, and that the said Martin Ryan with a certain Stone of no value, which he the said Martin Ryan in his right hand then and there had and held, in and upon the head of him the said Albert Story then and there feloniously, wilfully and of his malice aforethought did strike, giving to the said Albert Story with the stone aforesaid in manner aforesaid, in and upon the head of him the said Albert Story, one mortal bruise of the length of four inches and the breadth of three inches of which said mortal bruise the said Albert Story then and there instantly died, and that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, and Anthony Sage and James Connell—then and there feloniously, wilfully and of their malice aforethought were present standing by aiding, abetting and assisting the said Martin Ryan in the felony and murder aforesaid in manner and form aforesaid to do and commit; and so the jurors aforesaid, upon their oaths aforesaid do say, that the said Martin Ryan, Kern Brennan, James Connell—the said Albert Story in manner and form aforesaid, on the said fifteenth day of December in the year aforesaid, at the county aforesaid, feloniously, wilfully and of their malice aforethought did kill and murder, contrary to the form of the Statute in such case made and provided and against the peace and dignity of the same people of the State of Illinois—

And the jurors aforesaid, upon their oaths aforesaid, in the name and by the authority of the people of the State of Illinois, do further present that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy and Anthony Sage and James Connell—late of said county, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the said fifteenth day of December in the year aforesaid, with force and arms, at and within the county of La Salle aforesaid, in and upon one Albert Story, in the peace of God and of said people, then and there being, feloniously wilfully and of their malice aforethought did make an assault;—and that the said Kern Brennan with a certain wooden club of the length of six feet and of the value of one cent, which he the said Kern Brennan in both his hands then and there had and held, in and upon the head of him the said Albert Story, then and there feloniously, wilfully and of his malice aforethought, did strike, giving to the said Albert Story with the wooden club aforesaid, in manner aforesaid in and upon the head of him the said Albert Story, one mortal wound of the length of four inches and of the depth of one half an inch, of which said mortal wound the said Albert Story, then and there instantly died, and that the said James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy and Anthony Sage and James Connell—then and there feloniously, wilfully and of their malice aforethought were present standing by aiding, abetting and assisting the said Kern Brennan in the felony and murder aforesaid in manner and form aforesaid to do and commit; and so the jurors aforesaid upon their oaths aforesaid do say, that the said Kern Brennan, James Connell—the said Albert Story in manner and form aforesaid, on the said fifteenth day of December, in the year aforesaid at the county aforesaid, feloniously wilfully and of their malice aforethought did kill and murder, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the same people of the State of Illinois.—

And the jurors aforesaid upon their oaths aforesaid in the name and by the authority of the people of the State of Illinois, do further present that the said Anthony Sage, Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy and James Connell, late of said county, not having the fear of God before their eyes, but being moved & seduced by the instigation of the devil, on the 15th day of December in the year aforesaid, with force and arms, at and within the said county of La Salle, in and upon one Albert Story in the peace of God and of said people then and there being, feloniously, wilfully and of their malice aforethought did make an assault; and that the said Anthony Sage with a certain axe of the value of one dollar, which he the said Anthony Sage in both his hands then & there had and held, in and upon the head of him, the said Albert Story then and there feloniously, wilfully and of his malice aforethought did strike, giving to the said Albert Story with the axe aforesaid, in and upon the head of him the said Albert story one mortal wound of the length of five inches and of the depth of two inches, of which said mortal wound the said Albert Story then and there instantly died; and that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey and John Murphy and James Connell—then and there feloniously, wilfully and of their malice aforethought were present standing by aiding, abetting and assisting the said Anthony Sage, the felony and murder aforesaid, in manner and form aforesaid to do and commit; and so the jurors aforesaid upon their oaths aforesaid do say, that the said Anthony Sage, Kern Brennan, James Tewey, Patrick Durkin, Owen O'Neil, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey and John Murphy, and James Connell, the said Albert Story in manner and form aforesaid on the said fifteenth day of December in the year aforesaid at the county aforesaid, feloniously, wilfully and of their malice aforethought did kill and murder, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the same people of the State of Illinois.

The People of
 New Brunswick
 James Barry ✓
 Patrick Durkin
 Owen Christ
 Martin Ryan ✓
 James Kennedy
 Phillip Brady
 John Ryan
 Michael Barry ✓
 John Murphy
 James O'Connell ✓
 Anthony Sage
 Deductments for
 Wm. Bill
 William Reddock
 Norman

A. Trousdale
 Lister, N. Gallup
 Matthew Doyle
 Henry Anthony
 Wm. A. Cook
 William Bradley

F. W. Willard
 Jonathan Fitcher
 John D. Brown
 James Boddy
 Myron J. Lighthart
 Wm. W. Babcock
 Charles Perkins
 Joseph M. Ryan
 J. E. Bostick
 Col John Maynard
 Nicholas Field
 Henry A. Chapman
 Saml Martin
 Capt Brown
 Held December 24 1853

St. Dunleybury

Filed Feb 21 1852

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And the jurors aforesaid, upon their oaths aforesaid, in the name and by the authority of the people of the State of Illinois, do further present that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, Anthony Sage and James Connell, late of said county, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on said fifteenth day of December, in the year aforesaid, with force and arms, at and within the said county of La Salle, in and upon one Albert Story, in the peace of God and of said people then and there being, feloniously, wilfully and of their malice aforethought did make an assault; and that the said Kern Brennan with a certain wooden club of the length of six feet, and of the value of one cent, which he the said Kern Brennan in both his hands then and there had and held, and the said Martin Ryan, with a certain stone of no value which he the said Martin Ryan in his right hand then and there had and held, and the said James Kennedy with a certain wooden club of the length of three feet and of the value of one cent, which he the said James Kennedy in his right hand then and there had and held, and the said Phillip Shay with a certain pistol of the value of five dollars, which was then and there loaded with gunpowder and leaden bullets, and which pistol he the said Phillip Shay, in his right hand, then and there had and held, and the said Michael Tewey with a certain gun of the value of five dollars, which was then and there charged with gun powder and one leaden bullet, and which said gun he the said Michael, Tewey in both his hands then and there had and held, and the said Anthony Sage, with a certain axe of the value of one dollar, which said axe he the said Anthony Sage then and there had and held in both his hands in and upon the head, neck, face, back, sides and belly of him the said Albert Story, then and there feloniously, wilfully and of their malice aforethought did strike, giving to the said Albert Story, with the clubs, stone, pistol gun and axe aforesaid, in and upon the head, face, neck, back, sides and belly of him the said Albert Story, several mortal wounds by means whereof the said Albert Story was then and there beaten to the ground, and was then and there violently thrown down to the ground, and while the said Albert Story was so down upon the ground as aforesaid, the said James Tewey, Patrick Durkin, Owen O'Niel, John Ryan, John Murphy and James Connell, with their feet then and there feloniously, wilfully and of their malice, aforethought stamped upon and kicked the said Albert Story in and upon the head, face, neck, back, breast, belly and sides of him the said Albert Story, giving to the said Albert Story then and there while he was so lying upon the ground as aforesaid, in and upon the head, face, neck, back, breast, belly and sides of him the said Albert Story, several mortal wounds and bruises, of which said mortal wounds and bruises, so inflicted with the said clubs, stone, pistol, gun and axe, and by the feet of the said James Tewey, Owen O'Niel, John Ryan, John Murphy, and James Connell, in and upon the head, face, neck, back, breast, belly and sides of him, the said Albert Story, he the said Albert Story then and there instantly died; and so the jurors aforesaid, upon their oaths aforesaid, do say, that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell and Anthony Sage, the said Albert Story in manner and form aforesaid on the said fifteenth day of December, in the year aforesaid, at the county aforesaid, feloniously, wilfully and of their malice aforethought did kill and murder, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the same people of the State of Illinois.

And the jurors aforesaid, upon their oaths aforesaid, in the name and by the authority of the people of the State of Illinois do further present that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael, Tewey, John Murphy, James Connell and Anthony Sage—late of said county, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the said fifteenth day of December, in the year aforesaid, with force and arms, at and within the said county of La Salle, in and upon one Albert Story, in the peace of God and of said people then and there being, feloniously, wilfully and of their malice aforethought did make an assault; and that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell, and Anthony Sage, with certain clubs, stones, axes, pistols, and guns, which they the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell and Anthony Sage in their hands then and there had and held in and upon the head, face, neck, breast, back, belly and sides of him the said Albert Story, feloniously, wilfully and of their malice, aforethought, did beat and strike, giving to the said Albert Story with the clubs, stones, axes, pistols and guns aforesaid in and upon the head, neck, face, breast, back, belly and sides of him, the said Albert Story, several mortal wounds and bruises, of which said mortal wounds and bruises the said Albert Story then and there instantly died; and so the jurors aforesaid upon their oaths aforesaid, do say, that the said Kern Brennan, James Tewey, Patrick Durkin, Owen O'Niel, Martin Ryan, James Kennedy, Phillip Shay, John Ryan, Michael Tewey, John Murphy, James Connell and Anthony Sage, the said Albert Story, in manner and form aforesaid, the said fifteenth day of December, in the year aforesaid, at the county aforesaid, feloniously, wilfully and of their malice aforethought did kill and murder, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the same people of the State of Illinois.

W. H. L. WALLACE, States Attorney, 9th Circuit.

State of Illinois
LaSalle County I, *John Lindley Clerk of*
the Circuit Court in and for
said County, do hereby certify, that the
above and foregoing is a true and complete
copy of the original indictment against
Kern Brennan & others as the appearance file
in my office. I further certify, that the
original indictment is retained in my office
for the trial of John Ryan
My testimony whereof,
I have hereunto set my hand
& the seal of said Court at Ottawa
this 24th day of February 1854
J. Lindley Clerk

And Whereas on the 27th day of February
AD 1857. the following plea was filed in said Cause which
are in the words of figures following to wit .

The State of Illinois
of said County

At & Return of the February Term
of the Circuit Court for said County of said
AD 1857

The People of the
State of Illinois

Mem. Brennan
James Pervey
Patrick Durkin
Owen C. Keils
Martin Ryan
James Kennedy
Phillip Shary
John Ryan
Michael Pervey
John Memphis
James Connell
Anthony Sargo

Indictment for Murder

upon a charge of crime from the
Circuit Court of LaSalle County
Illinois

And now this day comes into open
Court in their own proper person the
said defendants Mem. Brennan James Pervey Martin
Ryan and Michael Pervey who are impleaded with Patrick
Durkin Owen C. Keils James Kennedy Phillip Shary John
Ryan John Memphis James Connell & Anthony Sargo
for the murder of Albert Stone and having heard the said
Indictment read. Say that the said bill of Indictment as
it is exhibited against them was not found and presented
to any Court having jurisdiction of the said Offense by a
regularly appointed and constituted Grand Jury under the

James Kennedy

Ryan

Brennan

A Sargo

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Brennan

laws of the State of Illinois as appears by the records of said Court And this they are ready to verify. Whereupon They pray judgment. And that by the Court here they may be dismissed from the said premises and that the same may be quashed

Kenn. Brennan

Martin Ryan

James Dooley

Michael Dwyer

The State of Illinois
Kane County

Personally appeared before me this day the above named defendants who being sworn upon oath depose that the above pleas are in substance true

L. Dearborn Clerk

By P. H. Ferguson Deputy

And Whereas on the said 27th day of February A.D. 1854 the same being one of the days of the Kane County Circuit Court of the February Term thereof A.D. 1854 the following among other proceedings were had which are in the words & figures following to wit

The People of the State of Illinois

vs

Kenn. Brennan James Dwyer
Michael Dwyer & Martin Ryan

Indict for Murder

This day comes the People of the State of Illinois by Ballou & Boyer and on motion leave is given to file a certified Transcript of the Record in this case from LaSalle County And on motion leave is given the Defendant to file a plea in Abatement. Thereupon comes the People of the State of Illinois by Ballou & Boyer and demurs to the plea in Abatement in which the said Defendants in person and by their attorneys joins. The Court being fully advised

sustains the Verdict to which the Defendants Except

Then comes the People by Wallace & Boyer and the defendants in their own proper person and by Warmoth and others their counsel And on Motion of Wallace & Boyer it is ordered that a jury come Whereupon comes a jury of good and lawful men to wit Jedediah Miller Julius A. Stairs William Cheever George J. Peck Anthony Rees Josiah Hughes Andrew McWayne J. J. Nash Nathan Pound Marshall Clark George E. Connor B. J. Wait who being severally Chosen selected and sworn return under the charge of a Sworn Officer of the Court to be by him returned into Court at the meeting of the same to ~~morrow~~ in the morning

And Afterwards to wit on the 28th day of February A.D. 1832 The same being one of the days of the forfeited February Term of said State county circuit Court the following among other proceedings were had which are in the Words and figures following to wit

The People of the State of Illinois	{	Indictment for Murder
vs		
Wm. Burman Michael Farley		
James Perry & Martin Ryan		

This day again comes the People of the State of Illinois by Wallace & Boyer and the defendants in their own proper person and by their counsel And the jury heretofore impeached herein being returned by the Officer in charge of them into Court also come and after listening to a portion of the evidence return under the charge of a Sworn Officer of the Court to be again returned into Court at the meeting of the same to morrow morning

And afterwards to wit on the 1st day of March

Ad 1854 the same being one of the days of the aforesaid February Term of said State County Circuit Court the following among other proceedings were had which are in the words of figures following to wit

The People of the State of Illinois	{	Indictment for Murder
14		
21		
Ken Brennan James Servey Michael Servey, & Martin Ryan		

This day again comes the People of this State by Boyer & Wallace and the defendants in their own proper person and by their counsel and the jury heretofore impanelled herein bring by the Officer in Charge into Court. Also come and After listening to a portion of the Evidence retire under the charge of a Sworn Officer of the Court to be again returned into Court by the Meeting of the same to morrow morning

And Afterward to wit on the 2^d day of March Ad 1854 the same being one of the days of the aforesaid February Term of said State County Circuit Court the following among other proceedings were had which are in the words of figures following to wit

The People of the State of Illinois	{	Indictment for Murder
14		
21		
Ken Brennan James Servey Michael Servey, & Martin Ryan		

This day again comes the people of the State of Illinois by Wallace & Boyer and the defendants in their own proper person and by their counsel And the jury heretofore impanelled herein bring returned by the Officer in Charge into Court. Also comes And After listening to the balance of the Evidence and a portion of the argument of counsel retire under the charge of a Sworn Officer of the Court to be again returned into Court

by meeting of the same to morrow morning

And Afterwards to wit on the 3^d day of March AD 1854 the same being one of the days of the aforesaid February Term of said Kane County Circuit Court the following among other proceedings were had which are in the words and figures following to wit

The People of the State of Illinois	{	Indictment for murder
14 v Hern Brennan James Perry Michael Perry Martin Ryan		

This day again comes the People of the State of Illinois by Wallace, Boyer and the defendants in their own proper person and by their counsel And the jury heretofore empanelled, herein being returned into court by the Officer having them in charge also come. After listening to the balance of the argument of counsel And the instruction of the Court retire under charge of a sworn Officer of the Court to consider of their Verdict

And Afterwards to wit on the 4th day of March AD 1854 the same being one of the days of the aforesaid February Term of said Kane County Circuit Court the following among other proceedings were had which are in the words and figures following to wit

The People of the State of Illinois	{	Indictment for murder
14 v Hern Brennan James Perry Michael Perry Martin Ryan		

This day comes the People of the State of Illinois by Wallace, Boyer and the defendants in

their own proper person and by their counsel and the jury heretofore empanelled herein also come being returned into court by the Officer in charge And for a verdict upon their oaths say the the jury find the defendants. Stern Breman James Berney and Michael Berney Each severally guilty of Murder in Manner and form as charged in the indictment and the defendant Martin Ryan guilty of Manslaughter and fix the time of the pen Imprisonment of said Martin Ryan in the penitentiary at the term of Eight Years.

Thereupon comes the defendants And moves for a new trial herein and also in arrest of Judgment

And afterwards do sit on the 6th day of March AD 1853 the same being one of the days of the aforesaid February Term of said State county circuit court the following among other proceedings were had which are in the words of figures following to wit

The People of the State of Illinois

14 28
Stern Breman James Berney
Michael Berney & Martin Ryan

Indictment for Murder

This day comes the People of the Illinois by Wallace and the defendants by Blannerhasset and others their counsel And after argument of the defendants motion for a new trial herein. The court being advised ^{the motion} sustains the and grants a new trial

And afterwards do sit on the 23^d day of May AD 1854 the same being one of the days of the aforesaid June County circuit court of the May Term AD 1854 the following among other proceedings were had which are in the words and figures following to wit

The People of Illinois

Indictment for Murder

Herb Breeman James Denny
Michael Denny & Martin Ryan

This day comes the people of the State of Illinois by Wallace their Attorney and the defendants in person and by Wayne Sansworth and Plato their Attornies and having been furnished with a list of Jurors on motion of the people it is ordered that a Jury come whereupon came the following Jurors to wit Charles Gray Charles Hale George S. Kendall John Elliott Byron Kendall John Whitney Edwin King Daniel Lincoln Samuel Wood and David West who being severally elected tried & sworn also come the parties having failed to fill out the balance of the Jury panel it is ordered by the court and concurred in by the parties that the Jury thus far empanelled may return under charge of a Sworn Officer of this Court to be by him returned into court at the meeting of the same to morrow morning And that the Sheriff summons Callismen to fill out the balance of the panel

And afterwards to wit on the 24th day of May 1884 the same being one of the days of the aforesaid May Term of said Kane County County Circuit Court the following among other proceedings were had which are in the words of figures following to wit

The People of the State of Illinois

Indictment for Murder

Herb Breeman James Denny
Michael Denny Martin Ryan

This day comes the People by Wallace their attorney and the defendants in person and by their attornies And the Sheriff having by order of this Court

Summoned Gallison to fill the balance of the panel. William Harolds & Francis P. Kimbrough (are selected tried and sworn together with the balance of the jury heretofore empanelled, herein being returned into Court by an Officer in Charge, And come And it is agreed that the jury may retire under Charge of a Sworn Officer of this Court to be returned by him at the meeting of the Court tomorrow morning

And afterwards to sit on the 25th day of May AD 1854 the same being one of the days of the aforesaid May Term of said Kane County Circuit Court the following among other proceedings were had which are in the words and figures following to wit -

The People of the State of Illinois

Rem Breunan James Dewey
Michael Dewey Martin Ryan

Indictment for Murder

This day comes the People of the State of Illinois by Wallace their Attorney And the defendants in person and by Rogers Samworth and Rato their Attornies and the jury heretofore empanelled also come And after hearing a portion of the evidence It is agreed between the parties that the jury may retire under charge of a Sworn Officer of this Court to be returned at the meeting of the Court tomorrow morning

And afterwards to sit on the 26th day of May AD 1854. the same being one of the days of the aforesaid May Term of said Kane County Circuit Court the following among other proceedings were had which are in the words and figures following to wit

The People of the State of Illinois
 v
 Kem. Brennan James. Servey
 Michael Servey & Martin Ryan } Indictment for Murder

This day comes the parties to this
 suit by their attorneys and the jury heretofore empannelled, also
 come and after hearing a portion of the evidence it is agreed
 that the Jury may retire under charge of a sworn officer of
 this court to be returned by him to morrow morning at
 the opening of the court.

And afterwards to sit on the 29th day
 of May A.D. 1834 the same being one of the days of the aforesaid
 May term of said Kane County circuit court the following
 among other proceeding was had which are in the words and
 figures following to wit "

The People of the State of Illinois
 v
 Kem. Brennan James. Servey
 Michael Servey. Martin Ryan } Indictment for Murder

This day comes the People by
 Hallaw their attorney and the defendants in person and by Henry
 Vannorath & Plato their attorneys and after hearing the balance
 of the evidence argument of counsel and Instructions of
 the court retire under charge of a sworn Officer of this
 court to consider of their verdict and it is agreed by
 the parties that the Jury may seal the same and meet
 the court when they have so agreed.

And afterwards to sit on the
 29. of May the same being one of the days of the days
 of the aforesaid term of said court the following among

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proceedings were had with

The People of the State of Illinois

Indictment for Murder

Wm Brennan James Servey
Michael Servey & Martin Ryan } This day comes the People
of the State of Illinois by Wallace State Attorney and the defendants
in person and by Wayne Harnsworth, Plato their attorneys and trying jury
empannelled also come and for a verdict upon their oaths say that the
jury find the defendants guilty in manner and form as charged in the indictment
and thereupon come the defendants by their attorneys and move the court for
a new trial and in arrest of judgment the court being fully advised overrules
the same & which ruling of the court the defendants by their counsel except
It is therefore considered by the court that the said Wm Brennan James
Servey, Michael Servey and Martin Ryan the prisoners at the bar be taken from
hence to the common jail of said Kane County and that they there be confined
in said jail until Friday the twenty eighth day of July next ensuing
and that on the said twenty eighth day of July they be taken from said jail
by the sheriff of said Kane County to some place in said County to
be selected by said sheriff and that they the said Wm Brennan James
Servey, Michael Servey and Martin Ryan by the said sheriff between
the hours of nine O. Clock in the forenoon and five O. Clock in
the afternoon of said twenty eighth day of July (the court
having for a good cause appearing prolonged the time
till the day last aforesaid) be each then & there hanged
by the neck until they each be dead

It is therefore considered by the court
that the said people of the State of Illinois have and recover
of and from the said Wm Brennan James Servey,
Michael Servey and Martin Ryan their costs of this
prosecution expended and have Execution therefor

The People vs

v

Michael Jerry

James Jerry

Ken Brennan

Martin Ryan

State vs Circuit Court

May Term 1887

Indictment for Murder

Be it remembered, that on the trial of this cause the prosecution produced the following named witness who testified as follows:

Henry Anthony duly sworn says
I knew Albert Stong. he is dead. I saw him on the 15th of Dec. last. He was employed on a contract on the Illinois Central Rail Road together with Tallmidge and Conklin. They had been working on the job since July last. There was more than three hundred men employed on their job. On the 15th I saw a collection at the store door. I was on the outside. It was about 2 o'clock. I had just left Stong's house and was going to the store. The exact presented by counsel is similar to the locality. There were then forty or fifty men at the front of the store. I was near the S.E. corner of the store. Mr. Stong's family lived in the house nearby. Mrs. Stong was at home. There was an excitement in the crowd. They were consulting together. The store door soon opened. I think it was open when I noticed it and some person spoke to John Ryan the boarding boy. The voice was like Mr. Stong's. It was inside the store. Ryan said something about leaving. I saw Ryan. Stong told him that he wanted him to leave. That he could not leave settle with him while he was crowding in's crowd on the outside rushed to the door. Some said "hurrah" "now's our time" a few were in the store. Ryan was within but few rushed in at that time. I could not understand all the shoves. The men outside rushed around the windows to look in. I spoke to them some of them went from the window and looked around on the ground. I could not tell what they said. I ¹⁰then they need not be alarmed. That Ryan would not be

but while he behaved himself. They appeared to stop Ryan was
 at the door and was asked to leave. I thought by story I could not
 tell what Ryan said, there was such a noise outside that I
 could not distinguish what he ^{was} said. Some fifteen or twenty rushed
 in to the store the door was filled. I heard the reports of a pistol
 there was noise in the store before the reports, noise with feet and
 hallowing. Now's our time. at the reports a few came out and then
 rushed in again. I heard three pistol shots. the ^{men} came out of
 the store and the crowd shouted all kinds of shouts. Some
 in Irish and some in English. I left the store and went
 to the barn to get a horse to send to LaSalle for assistance.
 The crowd went around on the south side of the store soon a
 large number got together and surrounded store. After speaking
 for a horse I went to the house, in the dining room where
 Mrs. Story was. I went into sitting room quite a large stone
 came in through the window and came near hitting me the
 stone was as large as my two fists other stones came in. I
 opened the door to Mr. Story's room didn't see any lady there
 then I went up to my room and stones were thrown in there.
 I looked through the hall window I saw from 150 to 200 persons
 around the store and house. I went down papers through
 to the kitchen went out and saw some of the crowd drawing
 from the horse the man who was going for assistance. they
 struck at the horse with a club. From the time the shots were
 fired to the time I looked out of the ^{hall} window was ten or fifteen minutes.
 I saw them turn the horse around and beat him back and then
 went to prevent them throwing stones and coal into the window, I saw
 Gallup & I think Fields and Maynard at the back part of the store.
 I cannot remember whether it was before or after I went to the
 house. I saw Gallup, Fields & Maynard at the store. I was near
 the N. W. corner of the store and they came around the S. W. corner
 a few of the crowd followed them up. One had a pistol. one had
 a stick four or five inches thick and three or four feet long.

John Ryan is son of man that was shot - that had the sticks. Phil
Shay had the pistol. I did not know him at that time. Young
Ryan threw sticks into the window on S W side of store. Gallup went
into the store & others were there they were scattered all around.
I saw Ryan strike out two different windows. Before I left
the front of the store Ryan threw a stick into the south window.
Before I left the front of the store Ryan threw a stick into the south window.
He struck into the north window and the south window. Breaking
of windows occurred about the time of firing pistol. I may
have been after I went once or twice to get James Kennedy away
from the house he was breaking windows. The crowd rushed
towards me and I let him go. I had him taken away two other
times. At this time at the store there was quite a crowd.
They knicked with sticks on front of the store and Anthony
Says took an axe and cut into the corner of the store. There
was about three or four hundred men about the house. The
chopping of the store was about fifteen minutes after I loaded
out of the hall window. I saw Maynard come from near
the corner of the store at the time I saw him. Gallup field
at the time of the chopping at the store. The crowd was breaking
windows at the house. Kennedy would break them in with
a stick. I saw Stong come out of the south door round
the side of the house. when I first saw him he was at the
south west corner. I stood between the dwelling house and
the stable. The main part of the crowd was near the north
East corner of the house. Stong along to the N E corner
of the store. Stong walked towards the house. The crowd
rushed towards him and shouted "There he is" now will have
him". He stopped had a revolver in his hand which he drew
up towards them and as soon as they he did that they stopped.
he walked on in the house by the kitchen door then came
out where I was. The crowd had then gone round the north
west corner of the house. They nearly surrounded the house.

Henry
B. Borman

Wherever I could see there were men around the building I saw
 weapons in the hands of some in the crowd two guns, three pistols,
 several clubs, and stones; I did not know but one of those
 who had the guns, that is Michael Henry Stern Borman had
 a pistol. Story and I stood there but a very short time, he asked
 me what I had done, I told him I had sent two or three men to town
 for assistance he said "I will not leave the bluffs" I saw Michael Henry
 raise a gun towards Story, it was pointed right that way Story
 then went into the house; he remained in the house fifteen or twenty
 minutes; While there the crowd was running around the house, quite
 a number went from the north west corner of the house, to the
 north west corner of the barn, Story came out; I saw him; I
 stood very near where I stood while talking with him I did
 not remain all the time in one place had been to the blacksmiths
 shop, and to the carpenters shop; blacksmiths shop was
 about two rods from the barn and carpenters shop was about
 twenty feet from the blacksmiths shop. Story went between
 the well and the house and passed around a load of hay and
 went into the barn. The hay stood at the south west corner
 of the house and the north east corner of the barn; nearly in
 front of the barn; he went on the north side of the hay; the barn
 is twenty five feet from the house; Story came out of the kitchen
 door. The crowd at the time was between the house & the bluff
 the larger portion between the house and Story, when Story
 went into the barn there was a cry and shouts in the crowd
 "there he goes" "now will have him" "shoot him" ^{"kill him"} and different cries
 they rushed upon him from east of the ~~barn~~ ^{house} and from between house
 and Story; the first man that came up to him was lame John from
 the crowd rushed into the barn, the door had never been hung
 part of them went inside of the barn quite a number on the outside
 they were all crowding and rushing towards the barn door, there
 was a continual shouting until I saw Mr Story head and
 shoulders above the others; I saw him falling out the door

there were from fifty to seventy five men closely crowded
round the door and scattering ones on the outside; the bar door
from four to five feet wide. quite a number came out of the
bar when they ^{cried} here he is. I saw one man strike him
with a small sized club another with a piece of scumming
tool. Tony was then down; his body on the outside and his
feet in the bar; on his face when I got there he was dead.
The crowd went towards the store and scattered. When he fell
there was a continual cry "here he is" was all I could distinguish
when they went away they all shouted; I did not understand
what was said. I saw in the crowd again, a pick, an axe, &
stones, I saw stones thrown; I do not know who threw the stones
I did not know the man that struck him with a piece of scumming
I could see his face I think it was Kennedy who had the crossed
club; from his drop; I found near Tony's head stones and bones
quite a number of them, I cannot say how many's I did
not examine Tony closely; calculated the scumming bar crossed
his skull in an inch. could hardly recognize him when he
was turned over; his nose was cut off and hanging on one side
I did not hear his voice from the time he went into the bar
from the time I first went into the store to the time of Tony's
death; it was something over an hour. About an hour
after the shooting in the store. After the shooting I saw persons
going away. The Irish shanties were in the various quarters
portion of the shanties at the north. The distance to them varied
from 100 rods to one mile the men were idle that day.

I had been at work on that job three or four months
I was foreman; there were three hundred laborers steady hands.
Excluding teamsters boarding ropes and foremen. Laborers
had been receiving One dollar and twenty-five cents per day
on the first day of December there was a reduction of wages
to one dollar per day; men were notified by the order of Tony
I notified them. Michael Perry worked in my gang. My

business was to keep the time and see that they worked properly. There were from fifteen to forty men under my charge. I made my return to the Clerk, once a week and sometimes only once a month. Payments were made on the fifteenth & succeeding days until all were paid; they then received pay for preceding month. On the 15th of November they were paid for service rendered in the month of October. I have been at work on this road sometime. An estimate is taken about the last of the month by the Resident Engineer; of all work during the month, it was completed about the 10th of Dec. The measurements for the Estimate was made on the 1st Dec. Contractors drew their pay 9th of Dec. I told the laborers that their pay would be one dollar a day, all that did not wish to work could work until payday and then be paid up in full, if they wanted to quit then and they could go where they could get more wages or continue at One dollar per day. This was Dec 1st none worked that day in course of the day Mr. Stong said we could tell the men to go to work at one dollar and twenty five cents per day until he drew his estimate. Some went to work on the 2^d Dec. They continued to work until the 9th or 10th. He said he would not pay but one dollar after he got his money; notice was given that he would pay but one dollar on the 9th. On the 11th payments were commenced; there was no disturbance at that time; there was no work done from the 11th to the day of Stong's death.

Hen. Bauman

I know Hen Bauman - witness pointed him out in the prisoners bar - I saw him in the crowd at short distance from the ^{store} door. I saw him have his weapons at that time. He was screaming on the crowd, there was a unanimous cry "now is our time" I think his voice was one of them that made the cry when the rush was made at the Store. Bauman was but a short distance addressing the advancing towards the Store door. I did not see him go in but saw him at the window. He was looking in together with others, I would

or fifteen of them. As many as could get around the South window of the Store. Something was said I knew not what; I do not remember of seeing him do any thing else there I saw some one go to the fence for a brand, but I could not say it was him; it was he or some one very much like him I did not know him at that time; I knew his personal appearance the board was five or six inches wide; five or six feet long, perhaps longer. I cannot locate Bowman again until the riot at the barn, he was there East of the S. E. corner of the barn in the crowd and going into the crowd towards the barn door where the main body of the crowd was at that time. The shouts & cries were then made; I do not remember of hearing him say anything at that time. he had a pistol in his hand. he was within twelve feet of the barn door when I last saw him there. This was before Stony fell out of the barn door; about the time the riot was first made at the barn. I do not remember of seeing him when the crowd dispersed; the crowd dispersed to the shanties; a few lingered around I did not remain but a few moments.

M. Jerny.

I knew Michael Jerny, a witness pointed him out. I knew him before the riot; I saw him at the North East corner of the Store, about twenty feet from it, at the time of the chopping, he had a gun in his hand; and a large crowd one or two hundred were about him; they stood within reach of each other; his gun was resting across his left arm. Says was chopping the door when Says was at the corner. Jerny was twenty five feet from him, a dreadful crowd among them there was a quite a rush to the front of the Store. I saw the chopping and a good deal of hammering at the front, this was after the pistol shot and before Stony left the Store. I next saw Michael Jerny in the crowd at the time Stony was passing from the Store to the house he was East of the house and North of the Store advancing towards Stony; he had a gun in his hand. and drew it up to his face at Mr Stony. The crowd hollered "Shoot him".

and his gun came up to his face it was ^{the} only gun I noticed I did not hear him say anything then at the south side of the house; I next saw him advancing toward the barn at the South East corner of the load of hay; Stony was then in the barn. Jerey was fifteen feet from the barn door he had a gun raised it up and pointed it towards the barn door; the crowd were in front of him and at his left. Some of the crowd were in the barn; he laid down his gun and waivered towards the barn door. This was before Stony fell I did not see him again until about 8 O'clock in the evening. Stony was about six feet tall.

Jo Jerey

I knew James Jerey helped him out. I saw him during the affray, first, about the time of the cutting in at the store, he was a short distance north of the store I do not know how far from Michael Jerey; he was in the crowd I do not remember of seeing anything of his hands he was quite busy round in the crowd; the crowd was rushing towards the store shouting and hollering and hammering in front of the store. I next saw him coming towards the barn when Stony was there; there was a few a head of him in the crowd and quite a number near him I saw nothing in his hands. I heard him say nothing; he was about forty feet from the barn running towards the barn the shouts were "there he goes" now will have him "shoot him" "kill him" and different cries James Jerey was on the south side of the barn when I last noticed him passing between me and the barn towards the south from the barn door after Mr. Stony's death; I was East of the South East corner of the barn. he had a gun in his hands then it was when the crowd was dispersing from the barn door.

Michael Ryan

I knew Martin Ryan (helped him out) I did not know him at the time of the riot at Lasalle I do not remember seeing him then during the same action It was a taller man than when he was dressed in a light coat and brown hat I do not remember what kind of

hat - Martin Ryan had on at the time he was arrested; think it was a dark one. The tallish man had rather a heavy coat. I barely saw a glimpse of him; did not see his face; his hat was drawn fully over it. The man I saw then was about the size of Martin Ryan but I think heavier set than Ryan is. These transactions occurred at La Salle County and State of Illinois

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I had from twenty to twenty five hands under my charge at the time of the riot; my gang varied at different times from fifteen to forty. Gangs were constantly changing; I did not commence work at the time the job was commenced in July. When I went there they paid laborers one dollar and a quarter a day. The object of raising the price was to get hands; I do not know that they advertised for men. I did not see any indications of a row before the 7th of December on which day a man shot at me with a pistol; some of the gang were rejoiced at it and some were not. The estimate was made on the 1st or 2^d day of Dec. I notified the men on the bluff under my charge, that only one dollar would be paid. On the second day of Dec when or when new orders were given they went to work more in the afternoon than in the forenoon. Morning the estimate was paid the 8th, 9th or 10th. Most of the bal laborers went to work on the 2nd. The contractors commenced paying hands. Next day after estimate was paid a Sunday may have intervened; I kept the time of my men until they shot at me. then Mr Doyle tended them. There were about three hundred laborers engaged for long. From the 10th to the 15th I was about the store and the houses; while the men were being paid there was a crowd around the store; they had been notified that they would be paid on the tenth. I think they were notified Saturday night that payment would be commenced Monday; the affray was after dinner; when John Ryan went into the store there were about fifty men in the crowd. The first day hands were paid through the window afterwards they came into the store one at a time and waited; one of Tony's clerks was then Dick and consequently

the books were behind hand. and settling was slower & more tedious
 than ordinary. Store belonged to Story; most of the laborers traded
 with him. I knew John Ryan who was shot; he had a son eighteen
 or twenty years old; the first thing I saw indicating a row
 Phil Shay came in to get his pay without his shovel and bound
 will. he boarded with John Ryan. he went away and John Ryan
 returned with him; I told he could not be paid without forwarding
 his shovel. this was between 11 & 12 A.M. he said he would
 not leave without his pay; I think Col. Mansfield took hold
 of him and told him to leave. I saw John Ryan. did not
 see Story. thought I heard him speak and told Ryan to go out
 Ryan said he would not. there was a mob of a dozen to the store
 door; door closed - then was opened. Ryan was at the door. Some
 one told him to go out. he refused - there was a mob, quite a
 number went in; I saw John Ryan jr in the door. Ryan was told
 that they would not pay him then; when the mob was made some
 one said "come on" and others followed up. but I do not know how
 many; heard the pistol shot - could not tell what was going on
 when they were fired. John Ryan jr cried out "said they had
 shot my father. seized a stick and struck at the window. I saw
 Ryan after he was shot - I saw a crowd looting in the window
 among them was Ben Borman. I did not know Ben Borman
 I recognized him only by his looks. I knew Richard Jewell of
 the hampshire masters - I had not particular acquaintance with
 James - B. Borman was at the head of the crowd that looted
 into the window; the crowd held up when I told them Ryan
 would not be hurt if he behaved; Ryan was standing at the
 South East side of the store when I saw him after he came
 out of the store I did not attempt to go to his assistance; some
 one was by him young John Ryan rose the window after
 the second firing of the pistol. I did not hear Story come to
 the door just after the pistol shot. I do not think young Ryan
 was the first that came out; he was the first that did anything.

Ben Borman
 was

after the pistol shot: I was in the vicinity from then to five minutes. I can not tell whether the affray on the west side of the store took place before I went to the house or not:— Whether young Ryan struck into the window, I do not recollect that he said anything about the death of his father: I saw Phay with a pistol walking towards Gallup his pistol was once within a foot of Gallup's head: I think Joseph Ryan: a foreman" took hold of Phay's arm and pulled it down to prevent his shooting him I saw Mrs. Story in the house. I looked round for a gun: I went to the house to get a piece of paper to write directions for the person who was going for assistance: he was a laborer, he took directions and went off. I gave him his directions: at the south end of the house I found Mrs. Wapman in the house: I had a revolver in my pocket: I got it partly out once when I was down towards the blacksmith shop: I stood at the window in the house a moment until a piece of stone or coal or other missile came against the window: then I went out: I do not remember who I told to get the horses do not know exactly where I saw him: I told J. M. Ryan to go he is foreman I sent three different persons I might be four: some of them went to Lasalle: those messengers were all engaged upon the work: two of them: were Irish, I did not get any man started to go to Lasalle before I went to the house. I spoke to a boy to get a horse but not to go to Lasalle: I told it ^{that} he should not injure the buildings: he had just been breaking the windows he was doing nothing when I went out: I saw him raise a stick and then withdrew a stick in his hand: I told him to quit the crowd said "let him alone" I turned & walked off perfectly cool: I did not threaten him: do not remember that I raised my arm: did not make motion to strike spoke to him in an ordinary tone of voice cannot tell what he was doing anything at the time I spoke to him. I told some one at the south east corner of the house that I

was going to take Kennedy away did not say so immediately upon coming out the house. I sent Mr McKay and two others to take him away; they were round where I was; they had quit work; I do not know that I intended to stop any body else. I saw the crowd rushing to the Store; Anthony Sayer had an axe and was chopping the Store; I did not request him to desist or send any person to; I was at the South side of the ~~Store~~ house he was cutting cutting the North East corner of the Store. There were but a few persons that followed Gallup, when he & Fields & myself came out of the Store; I followed along; After the chopping I next saw the crowd rushing after Story when he came out of the Store; men were in sight on the S. W. corner of the house; I was E of the S.E. corner of the barn; Story went to the kitchen; ^{probably} was two or three rods from him when he raised the his gun the second time; I was five or six rods from Story; Story walked off deliberately and went into the house; I do not remember seeing stones thrown at Story on his way to the house. different persons made different cries; I knew the men that worked in my gang; I did not know any of these persons except Michael Dewey; do not remember to have seen the others before that day; Some cried ^{out} that "now will have him". Story raised his revolver and the crowd held up; there some on the fence who did not seem to take any part; I do not know who had the other gun; I am confident there were two; I saw two or three pistols ^{I saw these pistols} at the barn; did not see any in the barn have pistols; did not hear the report of arms except in the Store; did not see any guns in the barn. Phil. Shay and Rem. Brennan both had pistols at the Store; I did not know Rem. Brennan before that day - I did not go in with of the Shop went to town with some one who worked in the carpenters shop; do not know his name; when Story went from house to the barn he was forty feet from me; went round to the North End of Load of hay. the barn is long

M. Dewey

H. Brennan

has ^{Stores} ~~Stores~~ on East side, has a door on the East End, and also
a back door. I think there was more noise there than before;
there were various shouts: "now will catch him" &c. the first man
that went to the barn was lame John Ryan, he was an oldish
man; did not know his name until after that; he took Story by
his left-hand. the hand he had the pistol in; he stood near
the barn door. Story went in and turned round facing the door,
there was a horse saddled there: or had been; I understood
he had sent to the barn to have a horse saddled; there were no doors
to the barn; the crowd pushed in so quick then; I did not see
him until I saw him at the door; I stood a little on the south
so that the end of the barn hid my view; I got several men to
take missiles from the hands of the crowd; the persons about me
were in favor of having the riot stopped; Ovensen's did not generally
carry arms; from the time I saw lame John Ryan take Story's
arm. It was but a minute or two before Story fell. I then saw
some blows struck one by Kennedy. I do not know where Kennedy
was; I do not remember who else struck him. do not know
that Anthony Sage was one of them, do not remember of seeing
Phil Shary there. I was watching for one in particular in the
crowd; I was mainly looking for Story's safety; when Story
fell they gave a shout and left. did not notice where they
went: a few stood around. Field & Gallup went to Lasalle;
then who Stail said one of the clerks had that Ryan and
that they would not let him go away; One or two said they
would have their pay before night or tear the store down; I
do not remember that I looked for the men until dark;
Shanties were thirty or forty rods off I was looking at Rem
Brennan and two others at the store: and saw his lips
move. I am ~~not~~ confident that I saw him hallow; he was
making motions with his arms; and I judged that he was
hallowing: I could not tell they were all hallowing: I should
think one half of the crowd were whooping. I did not see

H. Brennan

Half hallowing-

on my direct examination that the cry was unanimous; he beckoned with his right ~~arm~~ hand and said "Now is our time boys". I think Phil Shary said so; I saw Phil Shary lips move. St. Brennan had nothing in his hand at that time; I could not say whether he went into the store or not: the shouting was before the pistol shots when door opened the second time: I did not see Brennan again until I saw him at the barn I could not say whether he had a coat on or not in his shirt-sleeves; whether he had a hat or a cap on; I did not swear on my direct examination that I did not know that it was he who went to the fence for a piece of a board: I saw him when he went to the fence: It is possible I may be mistaken; I recognised him by his face and not by his cloaks — I did not see ^{James} John Ryan in the barn he was near the outside, partly in and partly out of the barn. Stony stood a little within whom and Ryan took hold of his hands while he (Ryan) stood outside; I did not know any other person who took hold of Stony; when I saw his face above the crowd his face was bloody; saw the side of his face; he did not appear to have life the main body of the crowd was at the barn door when he fell, the crowd retired a little. When I saw Mike Dewey Stony was in the barn; I could not see him I saw Dewey raise his gun: I did not have so good a chance to see what was going on as some others, but as good as those who stood near me — I saw James Dewey carry a gun away; I had seen him a couple of rods from the NE corner of the store: I was sworn the last term of court. I did not then swear that he had a gun in the crowd. I see him then but did not see him have a gun: when he went away he had a gun: he was going towards Blacksmith's shop. The next day some of the crowd was at Ottawa and some had run away; some still remain at Lasalle I knew sixty or seventy by looks of the whole bunch by looks: I knew the names of but few of them.

Mr. Dewey

Mr. Dewey

at the time of the pistol shots there were about forty about the store: the rest came in afterwards: I do not know how many we paid off afterwards that morning: we paid some. The crowd dispersed: about two hundred were taken. Anthony says Kennedy, McKay & Phil Shing have never been taken: Pat Dunlin is at Alton, sent there for one year: he was there half an hour before the row commenced: I saw some of them running over the hill: about one half remained - part of them went to work again.

Re Examined the Witness says

I think but am not positive that there was one payment at one dollar and a quarter per day before the 15th Dec: I heard indications of a row the night of the 14th: some one who appeared to be drunk told me "Stony" we will have your sweet hearts blood if you do not pay us ten shillings & I thought the voice was James Kennedy. There was no one in the store except Stony myself & Gallup: and when Shing came in, Stony had a revolver in his ^{left} hand when going to the barn. Ryan took hold of his left hand. About one third of the men were peaceable. Those who were peaceable did not associate with those who were hostile. A few of the peaceable went into the crowd and turned to quit them: "I" did

Objected to:

"Overruled"

Nothing excepted to

(you see any indication of a difference of opinion or purpose. Among the persons composing the crowd who rushed to the barn "I" I did not

Col. Maynard being sworn &c

I was employed by Tallmadge Stony & counselling in secret as walking boy. I was present at the commencement of the affray. was in the store: when Stony came to the door opened it for him to come in: he was interrupted by John Ryan who came in and demanded his pay for bounding men: Stony said he would be ready to go on making payments in the course of a couple of hours: I opened the door, for by

or fifty men in the street. Ryan forced ^{his way} in and told Story he would pull his heart out. Story told him he could not have any disturbances there that he must go out doors. Ryan struck Story in the face. There were a dozen or more men in the store: they were shoving on towards Story: Ryan had his arms around Story and Fields pushed Ryan over on the counter: when Story shot Ryan, the shooting occurred as soon as his left arm was liberated: the rest were in the fup I remember Ryan said he would taste his life or his heart out: I cannot state what was said by others they threatened to taste his life. I went to the house immediately after the shooting to take care of Mrs Story. did not tell Story where I was going. heard the third shot when I ^{went} ~~was going~~ out of the back door. I went to the house and told Mrs S that she had better go to Mr. Mastermans house: that she was not safe at home: Mastermans is about $\frac{1}{2}$ mile distant There were then about one hundred around the store I met many as I was going away: Some one said as I passed by a shanty "we had better kill old John. I do not know who made the remark. I do not know who came in the store besides Ryan - Fields & Baldwin were there. ~~I could~~ not say that I saw those defendants there then

Being cross examined says

I did not leave the store until I went to the house: Fields & Gallup had not gone out when I left. Fields was ~~pharmacist~~ ^{pharmacist} Gallup was clerk & Baldwin was mechanic: Story and I were there John Ryan come in. no one else with him. he was not hit or pushed back at the door but fell before he ^{was} shot I left the store before those who rushed in had left - I can not tell how many were out side

Re. Examined ~~says~~ says

at the time Ryan pushed himself in Story said that they would pay as soon as they had

made up the bills: there was about as many in as could push themselves through the door fifteen in no" I should think they complained of Stong said they would kill him if he didn't pay

Sister M. Gallup being among them

I was employed with Stong & Co at LaSalle Dec last, went there 28 Nov last" as clerk I was in store at the time of the affray. I was posting the bound bills on the Check Roll. Stong, Fields Maynard & myself were there may have been others. Stong spoke about paying the men. Ryan & son came down to the store. Ryan demanded his pay I told him it was customary to pay boarding wages after labors were paid. Stong put his hands upon his shoulder and said "come along, out we are in a hurry to get ready to pay the men, they went along peacefully to the door; then Ryan seized Stong by the throat and said "he would not leave until he had his pay and that he would have his heart's blood; Ryan struck Stong with his fist and his son struck him with a stick across his nose, Stong put his hands in his pockets and got his revolver I saw a pitch barning on Ryans ^{right} side; he seemed to grasp Stong the harder; Stong shot him again. I seized pieces & drove some of them out; then I went to the back door. Some of the men were going out, we barred the front door, about forty men came in when Ryan seized ^{Stong} "by the throat" they said "damn him" "kill him" take his heart's blood, the shouting continued till Stong shot; after store was closed I washed Stong's face. They began to throw stones into window: Stong's face was bruised, his mouth bleeding. I saw the crowd through the window blinds of the back office they were breasting in the windows violently; Stong said he must go to the house and save his wife & child, that they would murder them: I had been out to quiet the crowd but they rushed upon me and I came and bolted the door. Stong raised his pistol to shoot

Kennedy - but I persuaded him not to - Kennedy was breaking
 windows he started and looked at them some time they were
 throwing stones at the house. he made an other attempt to go
 out. I tried to stop him. he insisted and I let him go out
 He went out of the south door. told me to stay and take care
 of the store. went about Bar third of the way to the house
 and stopped to talk with Anthony. the crowd rushed upon him
 and said "now we have him." he went round the corner of the
 house. that was the last I saw of him. fifteen or twenty
 minutes afterwards I saw a considerable mob towards the
 barn. I heard them say "we will have him." I suppose
 Stony was in the barn. When Stony was talking with Anthony
 Michael Dewey, near the head of hay, had a gun apparently trying
 to get aim at him. When I went out of the store John Ryan
 jr Phil Shany & others rushed upon me, from the time of the
 shooting to the time I saw Stony last it was about an hour
 I knew Henry Breeman I do not recollect seeing him on
 the day of the row. I do not recollect seeing Miss Dewey
 at any other time than I have described already mentioned
 I knew Mrs Dewey think I saw him there on that day. do not
 recollect seeing him doing anything. I knew Martin Ryan
 I saw him there between the house and the barn at the time
 of his rush to the barn. I do not remember of seeing
 either of these defendants in the store when Ryan was shot
 I knew Mr Stony his name was Albert S Stony

Being cross examined says

Ryan & I came into store together. both were there
 when Stony put his hand on Ryans shoulder and requested
 him to leave. I think I went to the store before Stony
 did not hear "I" have any conversation on the outside before
 he came in. Ryan was pushed back to the door. but once
 before the shooting. If there had been a conversation outside
 I should not have been very apt to have heard it. If the door

M. Dewey

H. Breeman
 M. Dewey
 C. Dewey

M. Ryan

was shut. I know Phil Shay he had been there to settle we did not settle with him because he had not his shovel I cannot tell how long the store is, perhaps thirty feet. The shooting occurred about two thirds the way back from the door. Stony shot twice did not hear three reports, but I am not positive. Ryan was not shot three times; when I saw Stony talking with Anthony. I think he had not time to have gone to the house since he left the store. I am confident that my statements of the facts is correct I knew the defendants I knew ^{their} past trials and so testified.

Being ^{now} Examined ⁱⁿ Chief says)

There had been another clerk there before me he was sick at that time Stony had a long store account with John Ryan and had become responsible for boarding for him. from the 10 to the 15th about two hundred hands had been paid off I do not think the prisoners had been paid all who applied had been paid except Phil Shay & five or six others who had been dismissed because they had no shovels and board bill.

Ryan cross Examined says

When I returned to the store I went in by the way of the back door. Every thing was posted on the board ^{boards} bills except the board bills: No one was with me when I went out around the store. Field was in the store. do not know where Magnand was: I saw Phil Shay when I went out he came towards me with a pistol in his hands. do not recollect any other person then except Phil Shay. There was a crowd around me. I was not there but a moment or two: after shooting Ryan Stony remained in the store twenty or thirty minutes: he didn't come to the store from the house it was but a short time after he left the store that he went to the same about fifteen minutes I should think. I knew some John Ryan he was in the store just after the affray

he came up and took hold of me and said I had better not go out doors, Story was then in the store "he said they would kill me. I gave the men no provocation; I merely threw up my hands and asked them to hold on a moment and hear me through and then if they wanted to go on with the riot they could."

Ryan was in the store about ten minutes I was with Story at the former settlement. They usually commenced on the 15th and paid several successive days. I think I had not settled with a single man that afternoon I do not remember any one but Story coming without his shovel. I was there when Story came. I did not hear any one say to Story he could not receive his pay without his shovel. I do not recollect any men or paid that day. I know by my pay sheet how many men were paid. I have not seen it since about a week ago after the riot.

Osamu H. Baldwin Sworn says

I was employed upon the job of Story Ballmatyr & Co at LaSalle Dec last as overseer of steam excavator. I witnessed part of the affray was there at the commencement of it. was in the store when Ryan was shot several persons were in; when Ryan came in and demanded his pay in full - he wanted to leave - Story put his hands on his shoulders saying "When you do not want to leave" We cannot pay you until your board is paid off" The board bills were usually handed in and deducted from the laborers pay" could not pay him until tomorrow. Ryan said he would have his pay. Swore he would have it any way. Story told him not to waste so much time. To quit and not get anything he could not pay him then wished him to go out doors Ryan refused to go Story put his hands on R's shoulders

and they walked to the door, the door was opened and the crowd
marched in. Ryan turned round and took hold of Stoney: the
crowd rushed in and back towards the centre of the store and
crowded around him pretty thick. There was a shout but I can
not tell what was said. I was a good deal excited did not
know what now might amount to: couldn't tell how many people
in the forward part of the store was nearly full. Stoney put his
hand in his pocket for his revolver: young John Ryan got hold
of his pocket: Stoney got out his revolver and shot old John
Ryan: crowd was ^{marching} towards Stoney and crowding him
back in the store, kept crowding in. There was continually
a great noise: after Stoney fired then they cried "Ryan is shot."
Much that was said before the shooting was in Irish; which
I did not understand. I went out after the shooting as quick
as I could down towards towards the big dump to inform the
men there that there was trouble: in coming back I went
to the foot of the hill just west of the house just going up the
hill I met old Maryann, Mrs Stoney & child. I saw James Jerney
at the foot of the hill he was talking to a man in a Skunk
door, by the name of Murphy he told Murphy Stoney had
shot Ryan. Murphy said ^{there is} "let Maryann had we better
take him. Jerney said no let him go. Stoney we want and
will have his heart's blood before we sleep. I do not know
that he was armed: he went up the ravine towards his board-
ing place. I don't ^{exactly} know exactly where he boarded, but some-
where in the ravine. I went to the top of the hill where
I met old Mr Ryan the foreman. From the time I left the
store to the time I met Jerney in the ravine was about fifteen
minutes. When I came up the hill men were running about;
there was a great noise. I saw no person armed: did not
go near the crowd: did not see Stoney or any other to the
bluff. I only went to the top of the hill. I talked with
Ryan and asked upon what I heard from him Went to Lashlee

Pat Jerney

as soon as I could. did not get back before the death of Story. I started to go back and met a man who said Story was killed. I went back to LaSalle did not return to the bluff until night - I saw the body of Mr Story - he was dead at the stable door - I merely looked at him. The corner came over with us: it was about 9 o'clock - I do not know how many men were on the hill when I met Mr Ryan on the hill. perhaps one hundred perhaps more. I did not see them. x K B Bannan
m Dewey
J Dewey Bannan in the affray. I did not see Michael Dewey there I saw James Dewey there - I saw James Dewey at the foot of the hill but not on the hill. I saw him again in the evening when I returned to the bluff with Martin. I was present when he was taken prisoner; we went into the Shanties in search of men. I lost every body we found. Dewey saw the Officer told him to stop; Dewey said he would not be taken alive. he had a gun in his hands. as we proceeded towards him he fired his gun. I do not know in what direction, it was night - and we were all running "he did not hit any body. he ran a short distance the Officer said "shoot him" and there was several shots made. I think Sheriff was along. did not know him at that time have known him since. Dewey stopped and said he was shot. I pulled my gun up to my face. he shouted Baldwin for Gods sake dont shoot me. I think he was shot in the arm he was taken into custody - I know Martin Ryan by sight did not see him that day was not there but a short time

x M. Ryan Kemp examined that

It was after dinner that Ryan came into the store: do not know that I went immediately from dinner into store. think no one came in with Ryan. the door was kept fastened. some half a dozen would crowd in if they were kept out. there were generally

Some around the door pay day. They were there just after dinner. When Ryan first came in there was no crowd outside; the door was closed when Ryan came in. It was usually kept fastened. Ryan said I want my pay in full. I want to leave. he said this to Piddle & Gallup. Stony Standing by. Stony said "John you do not want your pay. you are in liquor if you were not you would not want your pay; I was acquainted with Ryan and noticed he was much excited, had seen him in liquor. had not seen him in liquor down since he was considered a good boarding boy. did his principal dealings at the store. I could not swear that Ryan went to the door more than once; nobody came in until Ryan was pushed to the door. I think there was one or two in the store when Ryan came in. Col. Maynard opened the door for Stony to walk Ryan out. the crowd pushed in. I heard an unusual noise on the outside before this, Stony & Ryan was in a scuffle. I think they had got half way back in the store when Stony shot Ryan. there was a counter on one side and barrels and boxes on the other. it was not a very roomy store. I did not see any weapons in the hands of the crowd. Ryan had hold of Stony arm. said he would ^{have} his pay his life his hide or something like this. ^{I saw} John Ryan Jr came in. I do not know that he had anything in his hands. he took hold of Stony's pocket as if to prevent his handing out his pistol. I did not see anyone strike Stony. saw no marks of blows. When Ryan was shot the cry was "Ryan is shot" crowd went out of store. When I met Col. Maynard there was several parties near together. Maynard had papers & shanties when I heard Perry talking with Murphy. I do not know how many men were arrested that night. these defendants were there that night except Mike Perry who was taken a day or two afterwards. there were ten in the party in which I was

we took six or eight. Think the Sheriff told us to shoot Jervay when he run I stopped when Jervay raised his gun fired and raised my gun. My attention was not particularly drawn to what was going on in the store when Ryan came in. The scuffle attracted my attention. I cannot tell all that happened owing to excitement.

Henry A. Leary from Sarg

of the row.

I was employed on Stony & Lewis job at Engine of Steam Excavator. I was at the commencement of the row. I got to within a rod of store when I heard a pistol go off. I was at NE corner of store. The crowd came out and said "Somebody is shot." I asked who; they said Ryan. I asked what Ryan; I saw John Ryan jr with a stick in his hand striking in the window. he told me it was his father that was shot. I met Gallup coming from the south side of store. Young Ryan & Phil Shanley rushed at him with the sticks: he broke the window with. Gallup escaped in the store. Old Ryan came ^{out} of ^{between} Dan Flood on his side; could not get to him. I went to Mr Leary's house where he was lying ill. Ryans Shanty was further on. I looked out of the window and then saw Stony go to his house; I then left car on tracks between the blacksmith and Carpenter Shop. By E end ran and west end of the house I went to go in to hall door of the house door fronts East. I got to within five or six feet of the door Stony opened it a little and asked where his family was. I told him at Mastermans. he wanted me to get him a horse. I went to Postwick the barn boy and told him I wanted a horse. asked him where I could find one: the boy lived in a house ten rods south of the barn and west of the blacksmith shop. I saw crowds rush to the barn and heads cries now will have him "kill him" & others I made my way ^{to} ~~to~~ ^{the} ~~house~~ ^{house}.

D. Terrey

Barn: ^{I saw} within two or three rods and heard blows in the barn: when I got there the crowd dispersed with cries "that is the satisfaction" "that is all we want" I saw Story lying on his face. he was dead. Jenkins and Doyle turned him over shortly afterwards. there were two gashes in his head and one on his face. That across his face cut his nose into it appeared to have been made with an axe his head was bruised apparently with a blunt instrument. Blood was running all over his face: from time I saw Story in house to time I saw him dead was not more than twenty minutes. I should think there — one hundred fifty to two hundred around the barn door. When I was at barn I saw some one chopping in the corner of the store with an axe. When I met Gallup I think Joe Ryan was present: from time of firing to the dispersing of the crowd it was about $\frac{3}{4}$ of an hour. I saw James Terrey during the affray coming toward the crowd near the barn door. I think he had a gun in his hand. I could not say when Story was shot. Somewhere inside the barn, when I first saw Terrey he was a rod or two from the left of the crowd. I lost sight of him in the crowd, they dispersed immediately afterward. I do not recollect of seeing any other of these defendants there that day.

Being cross Examined says

I knew J. Terrey by sight: I did not know personally any of these defendants. I saw Phil Sherry outside of the crowd. he had a pistol in his hand. I saw Robert Garrett talking with Story. and persuaded him not to shoot "that man" I saw Anthony Starnes by some canto none of these defendants did the chopping. I did not see any one have clubs. did not see J. Ryan Jr until after Story's death. after I left him at the store: I do not

remember seeing Anthony when I saw Gallup. Shay Stines
at Gallup. I saw John Ryan go inside at him

Jonathan Pitcher sworn says

I went on the bluffs at Lasalle Dec last
was there at the affray. I had charge of building bridges. I
was at the big dump when war commenced. I was notified
by Baldwin; then of us went up - sixty to one hundred men
were about there when I arrived; they were doing nothing but
tramping about and making some hard hats. I heard con-
siderable threatening language; I heard Story's life and finding
threatened. I met Mrs Story on my way. She gave me the keys
and requested me to look the rooms; I did so; at this time
the crowd was around the house, throwing stones & clubs at
the house; there was considerable excitement & confusion
I met Story he said "what shall I do I hate to hit a man
I told him not to. he was intending to shoot James Kennedy
who was throwing coal into the windows; coal tumbled down
Story, helped by Story and myself and perhaps went 20
feet beyond before it struck the floor. I tried to persuade
Story to stay in the house and keep out of sight. I went out
the kitchen door, pushed into the crowd in front of the house
and talked with him. Two or three men were of a mind to
arrest Story and wanted me to assist them. I went to the house
to talk with Story and then got some of the foremen to see
if he would not give himself up. I waited on the S. side of
the house; and saw Story go into the barn; I waited between
house & barn around S. side of barn to its S. E. corner
so that I could see the door on the west end. I waited
off for a while in a S. E. direction where some
men that Story by themselves; I then waited East of
Lock's ^{house} barn and then turned north and went up towards
the crowd. When I was into the men; Story was at the

My. Ryan

East End of the barn I concluded, which was the reason of my going in that direction. I saw a lot of men coming from the S. side of the barn going towards the crowd. I got there just as the crowd was dispersing. I saw several men then I knew few - one was Mr. Ryan, he ran past me towards the crowd with a stone in each hand. I saw weapons of various kinds in several other persons hands. I saw one a little one side with a rifle in his hand, do not know who it was. As I came near I heard the crowd say. "We have killed him" One said I killed him another you didn't - I did. One of them was taken along by the crowd. I knew Martin Ryan before that time when the crowd left I went up to see Stong; he was on his back his face was cut with a full bit of an axe. Saw Stones about him; I rolled one over. It was covered with blood. I thought it was the same stone that Ryan had in his hand. I noticed two or three clubs about Stong's head. One was a piece of scantling. I did not notice but one stone, there was blood on it. I think Stong's friend had been there before I had; I did not know the man that said they killed Stong. One of them had a very dark coat. I went to the house. Saw the windows broken in; went to Stong's room saw women with pails at the door I do not recollect of seeing any of these defendants in the crowd I knew James. Perry; I should think there were three hundred men in the crowd.

Benj Croft Examined says

I should not think all on the job were there. I did not see any one at the Shanties when I met both Mrs. and Mrs. Stong, did not hear any threats then. I talked with Mrs. Stong perhaps a minute. I do not remember that Baldwin had gone to LaSalle. When I met Mrs. Stong. think Baldwin did not go upon the bluff with me

did not see Anthony & Ryan on the bluff: I have no distinct recollection of seeing Anthony at all. One of them who wanted to arrest Story was old lame John Ryan. There were several who sought to arrest him. When I went to the barn seemingly the whole crowd rushed. The cries were "now will have him" now he's ours "have him" "kill him" some said "kill him" & some said "we will have him". There was quite a number rushing round on the other end of the barn. I think I saw no other Americans around there. The Irishmen did not stay there when they shouted now "we will get him" but went round to the other end of the Store. I saw lame John Ryan after Story was killed on the outskirts of the crowd. I saw Ryan the defendant before ^{three} or four minutes before this. When I saw Martin Ryan I stood E. of the barn, three or four rods from the barn, partly between Loeck's house and Hacksmith's Shop. When I got to barn door Story was dead. I do not remember of stopping before I got to lame John Ryan after I saw Martin Ryan pass. I and John Ryan was talking with Doyle. Doyle and Jensens had turned Story over.

J. L. Postnikov sworn to.

I had charge of the barn on Story's & Co's work. I saw the crowd in the barn around the barn. I was in my house at commencement of affray house is on the bluff. I looked up towards where Ryan lived. there was a noise up there. I saw one hundred to one hundred and fifty men at the Store. the crowd was hallooing. I saw a man sitting corner of Store do not know who it was. I remained in barn a few moments and Anthony said a horse must be got to go to Down. he told me Story had killed Ryan. I got horse out and put a man on it. I do not know the man

J. Seney

J. Seney

he came back again in a few minutes. Stong was then in the store: I afterward saw him go to the house. the crowd was then between the store & house at Stong's right-hand. crowd did not stir around much until Stong went into the house. I then went down to my own house. Cook came and said Stong wanted a horse: and started up toward the barn door. there was then a crowd there. I got a rod or two from my house and I met some men. One, James Seney with a gun in his hand. Seney was going from the crowd: he passed me on my right. went between MacSmith shop and my house. Was not quite by my the MacSmith shop when I saw him. There was quite a crowd round the barn door. they began to disperse before I met James Seney.

Charles Jenkins Sworn says

I was on the bluff lot of Stong & Co the 15th Dec last. I saw the affray. I did not see the commencement of it. I was on the works, when I first went there. there was some confusion breaking in windows of house and store. the crowd was then gathering. there was some noise. I do not recollect what was said. I went up to Ryan to see him. I came back on the south side of the house. I saw Rob. Garrett holding Kennedy down. the man that I saw breaking the windows. then I went round the north side of the house: he had a common chopping axe. the principal business that was going on was breaking in windows and doors. there was not more than six or eight breaking windows at a time. I then saw Stong come out of the south side of the store and proceed towards the house with a pistol in his hand. with a pistol in his left hand: he held it down at arms length I was there on foot. I asked him to get into my waygon. his reply was "all but the in" he then walked

to the well and laid his pistol on a pile of short wood there
 he stepped to the hind part of the cart: which was backed up close
 to the porch, rested his elbow upon the cart and his hands upon
 his head. I think Anthony spoke to him: The crowd was all
 around: they were coming up near Story. he then took his
 pistol and went into the house. he stood there a few moments
 and then came out: he went toward the stable and went in
 Mr. Lighthouse spoke to me to go: we had got to S H corner
 of the barn and then a crowd came up from behind me and some
 from N H corner of the barn and said. "Story is escaping through
 the barn: then old John Ryan asked me if I would arrest
 him. I told him that I would. I looked around for foreman
 and saw none: in a few minutes I heard a noise in the front
 end of barn and ran round on the N H side and came to the
 East door: when I got to within a very few feet of door. I saw
 a small crowd carrying Story about breast high. his hands
 was breast high to them - his feet was dragging: he dropped
 upon his face outside the barn door: his feet I think were
 inside the barn. I thought he was only stunned when I first
 saw him: but the blows came thicker and fast it was no
 use to hope for him. I got to him but I could do no good
 no one offered any violence to me: only that I was in the
 way: the blows were with boot heels, with walking sticks
 and one man struck him with a 3+4 oak scumpling: The
 fellow then moved off very rapidly: he struck but once
 he had a low crowned felt hat, blue overalls shorter than
 trousers. A man struck him with an axe, I do not know
 who it was. the size would compare favorably with the man
 who was chopping at the store. I saw a stone came
 from the East an inch and a half or two inches on one
 edge: and one inch at the other edge I saw them striking
 him. I did not notice any marks upon Story's face
 when I saw them dragging him out. I prevented

the man they called Kennedy from striking him with a crooked club. he is the man I saw breaking windows but I think he afterwards struck Story. I said to them that Story did not wish to go away. I thought his head was wonderfully beaten up. I think Mr Soyer helped me turn him over: did not examine his head particularly: his head was literally broken in, at appearance his face looked very bad: I think I could recognise no other of the men than Kennedy, when they dragged him out I thought he was stunned. I did not see anything in his hand; he appeared insensible; I should think there were twenty persons that came to the door with him when the beating commenced; I think there was 100 men in the crowd. Crowd was dense: I did notice that there was shouts when I came up. when at the S W corner of the barn I heard the shouts at the East end of the barn. From the time that I got to the place when they were dragging Story out to the dispersing of the crowd I think was 15 minutes when Story went from house to the barn some one said "Shoot" "Shoot" I don't know who had a gun. did not see any

I was on the dump when the affray commenced. I saw I saw Story about $\frac{1}{2}$ distance from store & house. Crowd did not follow close. others standing back. From Store to dwelling is 4 or 5 rods. The barn was 3 or 4 rods from back part of the kitchen. There was nothing interesting but shade trees a load of hay was then some where. the man with the gun was standing 3 rods south of house. I am between the two. I did not notice any weapons of destruction about the body: I noticed the stone and club that I saw him strike with. from the time I first met Story until he was killed was not more than 20 minutes to half an hour. I don't know

how many struck him with foot heels. they hit him on the heads

I knew Martin Ryan before the riot I did not see Martin Ryan that day. I could not say that these defendants were in the crowd: I did not see them. I shall think twenty or thirty men in the crowd with Stone. I recollect of seeing John Ryan with Stone in the barn. John Ryan said "Did I not command you in the name of the People to take this man without hurting him. Ryan stood on the south side of the door near Stone. That was the first time I saw Kennedy. I would have no difficulty in recognizing him again. I did not see any gun at any other time than the time I have mentioned.

I do not recollect of having any conversation with Sam John Ryan after Stone was killed.

"The People hear not"

By the court

This was all the Evidence given in the case the prosecution then asked the court to instruct the jury in the words and figures following to wit

By the court

1 If the jury find the defendants guilty of Murder they will say "We the jury find the defendants guilty in manner and form as charged in the Indictment"

2 If you find a part of the defendants guilty and a part of them not guilty if you shall think the evidence warrants you in so doing

3 If you shall find the defendants not guilty you will merely say "We the jury find the defendants not guilty"

✓ 4. Under this Indictment you may find the defendants or any of them guilty of manslaughter, if you think the Evidence warrants you in so doing. And in case you find them or any of them guilty of manslaughter then you will also fix the term of their confinement in the penitentiary for any term not exceeding Eight Years

Stane County Circuit Court May Term
1854

The People vs

4
Kem Brennan
Michael Perry
James Perry
Martin Ryan
impeled with

Indictment for murder

The court is asked to instruct the jury on the part of the people as follows

1st Murder is the unlawful Killing of a human being in the peace of the people with malice aforethought, either Express or implied

2^d Express malice is that deliberate intention unlawfully to take away the life of a fellow being creature which is manifested by external circumstances capable of proof

3^d Malice shall be implied where no considerable provocation appears or where all the circumstances of the killing show an abandoned and malignant heart

4 An accessory before the fact is one who stands by and aids, abets or assists in the perpetration of a crime, or who not being present hath advised or encouraged the perpetration of a crime

5th X The advice or encouragement that may make one an accessory to crime need not be by words but by any word or acts sign or motion done or made for the purpose of encouraging the commission of a crime is sufficient to charge one as accessory

6th An accessory before the fact under the law is deemed and considered as principal and is to be punished accordingly

7th If the Jury believe from the evidence that the prisoners on trial or any of them together with other persons entered into a common design to kill Albert Stong or to do him any personal violence or to do any other unlawful act, and in pursuance of such common design any of the persons so combining killed Albert Stong at the time and place and in the manner mentioned in the indictments, then all who participated in such common design are equally guilty, - as those who actually killed Stong

8th If the Jury believe from the evidence that Albert Stong was killed was killed at the time and place and in the manner charged in the indictment and that the prisoners on trial were present aiding abetting or assisting in such killing then they are equally guilty as though they themselves had struck the fatal blow

9. if the jury believe from the evidence that the prisoners on trial were present at the killing of Story and were armed with offensive weapons and were acting in concert with those who perpetrated the killing those facts are sufficient to warrant the jury in finding them guilty, though the evidence failed to show that they actually struck Story. if the jury also find that Story was murdered at the time and place and in the manner charged in the indictment-

10th If the jury believe from the evidence that the prisoners on trial or any of them, together with other persons met together with the common design purpose to kill Story, or to ^{do} him any personal violence, or to commit any other unlawful act, or being met together for a lawful purpose, if they afterwards had a common purpose to kill Story or to do him personal violence or to do any other unlawful act and in pursuance of such common design purpose Story was murdered (at the time and place and in the manner charged in the indictment) by any of the persons having such common purpose, then all who had entered into such common purpose are equally guilty of the murder

11 The common purpose mentioned in the preceding instruction need not necessarily have existed for any considerable length of time it is sufficient if it is shown by the proof to have existed prior to or at the time of the killing

12th The fact that Story refused to pay the laborers more than a dollar a day constitutes no justification for killing him and if Story was

stilled from ill feelings thus engendered. That is evidence of deliberate malice in his slayers

13th

The only doubt that can avail to acquit the accused must be a reasonable doubt - honestly and ~~excessively~~ fairly entertained after all reasonable effort to find out the facts. A juror is not authorized to raise an artificial or capricious doubt in order to acquit the accused

14th

If the jury believe that the prisoners on trial could procure proof to explain whatever may be proved against them and have failed to do so. That is a circumstance to be weighed by the jury in determining the question of their guilt or innocence

15th

The combination or confederacy conspiracy mentioned in the preceding instruction may be proved by circumstantial evidence

Which was done to which decision of the court in giving said instructions the defendants by their counsel at the time excepted

The defendants then asked the court to instruct the jury

1st For seps

If the jury believe that without the testimony of Anthony the defendants could not be convicted, and that they ought not to believe or credit the testimony of Anthony then they should acquit the defendants

2nd

If the jury believe that the witness Anthony is mistaken in identifying the persons with whom

given

what was well acquainted and did not see persons whom he swears he did see. then the jury should take these facts into consideration in determining whether he is correct in his statement - as to identity of persons with whom he was not acquainted

given

3^d If the jury believe from the evidence that the circumstances detailed by the witnesses establish the guilt of the defendants beyond all reasonable doubt then the jury should acquit them

given

4 If the jury believe from the evidence that the circumstances detailed by the witnesses are not inconsistent with the innocence of the defendant then the jury should acquit them of the charge of murder

given

5 If the jury believe that the witness Anthony or any other witness knowingly testified falsely either as to identity of persons or any other material matter the jury are at liberty to ^{disregard} ~~discredit~~ and throw aside their testimony in toto

given

6 If the jury believe that the witness Anthony swore that he saw Gallup and ex. Maynard and Childs come around the store together after Stony shot John Ryan. and that in his statement - he is directly contradicted by the witnesses Gallup and Maynard. and if the jury believe that - Anthony was incorrect in such statement - In identifying Maynard and Childs they ought not to give full credit to the testimony identifying the defendants. if his opportunity for identifying defendants was no better than for identifying the persons above named

7 If the jury believe beyond all reasonable doubt that the facts and circumstances and proof exclude every hypothesis but the guilt of the defendants then the jury should acquit them

8th If the jury believe the facts and circumstances related by the witnesses may be true and yet the defendants may be innocent - then the jury should acquit them

9 If the jury believe that the life of Stoney was taken upon design premeditated by others in a crowd on which various were present committing an affray but that said prisoners were not plying to said design & did not assist at the killing. And said life was not taken by persons confederated with the prisoners in some common design purpose & said other persons did the killing in question the Law is with the prisoners & they are not abettors and aiders in Law to said killing

10th If the jury ^{do not} believe from the evidence beyond any reasonable doubt that the prosecutors have established the guilt of the prisoners as charged in the indictment they are bound to acquit the prisoners

11 If the jury entertain any reasonable doubt upon the whole case any reasonable doubt upon the Law and evidence that the prisoners are guilty in the manner charged in the indictment they are bound to acquit them

12 Before the prisoners can be connected as aiders and abettors in the crime of Murder or Manslaughter it is necessary that the Jury should

Russell
on crimes
p 27-
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first satisfied by proof that they were present as the confederates of those who killed Stong and were engaged at the time with them who did the killing in a common undertaking in the prosecution of which the killing was committed; or that not being present they had advised or encouraged the perpetration of the offence

given

13th If the jury believe that the prosecution have failed to establish any common design or confederacy between the persons on trial and those who actually killed deceased in pursuance of which design said Stong was killed by those who really committed the facts and the persons did not actually kill deceased or assist in killing him they are entitled to an acquittal

given

14 If the jury believe from the evidence that the persons were present in the crowd with others and ^{instigated} some part in the affray and riot but that it is not proven they were engaged with those persons about killing deceased by some confederacy, combination or arrangement to effect an unlawful enterprise in pursuance of which the killing took place. and that they were not in such crowd as confederates of those killing upon the same pretext and under the same combination or engagement of mutual defence and support to effect it at the instant the killing was committed the law will not hold them as aiders and abettors to the act of killing deceased

15 [Through also] If the jury should believe from the evidence that the persons at the bar were with the persons who killed deceased engaged together

57

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Helguy 111
Dough 320
Hefel 27
Leach 7

Helym 113. 114

78 Rogers
Enslin Raps
213

as confederates to effect some unlawful enterprise but that while so engaged, a murder was committed by some others of those engaged with them upon some account of their own; and not in prosecution of the common design or purpose of all engaged; And the prisoners are not proven to have known of the design of those killing; the Law will not hold them as aiders and abettors to the death so caused by others confederates unless they had participated in the design of killing.

16

given

If the Jury believe from the evidence that the prisoners & those killing deceased were all engaged in some unlawful design and to effect some criminal enterprise at the time of killing deceased, but that it does not appear but that such killing was committed from some malicious purpose on the part of those actually killing on which design or guilty purpose the prisoners at the Bar did not participate and it did not happen according to & in pursuance of the original design. the Law will not hold them as aiders & abettors to the fact of killing.

15th

Given

If the Jury believe from the evidence that the prisoners at the Bar were only engaged in an affray originally commenced by others; but on which prisoners had intermeddled and taken sides as combatants. but that the killing of Stong was by other persons who intended to kill him of which the prisoners were innocent then and in such a case the Law will not hold them guilty as aiders and abettors to the crime of murder on the party killing deceased.

Which was done. The defendants also asked the court to instruct the jury that

18th

To aid abet and assist another who is guilty of killing a human being so as to make it murder or manslaughter in those aiding it is necessary that the jury should be satisfied by proof

1st

That those aiding were united with those actually killing in some common design of which the offender formed a part

2nd

That the killing of Stony happened and was caused in pursuance of such design

3rd

That the killing was not upon some other account of from malice premeditated in those actually killing of which intention or malice the persons were ignorant

19th

If the jury believe that the witness Anthony testified falsely in any one material matter then they have a right to disregard his testimony as to all other matters

20

If the jury do not believe from the evidence that the persons on trial James, Michael Doohy and Ken Brennan and Martin Ryan are the persons who actually killed the deceased they should be acquitted unless the proof establishing beyond a reasonable doubt the fact that they were standing by aiding abetting and assisting such persons or persons as actually caused the death

21st

If the jury believe from the evidence that there was no intent on the part of the persons to kill Stony and who killed him it would be good

Refused
to the same. And that the prosecution have failed to show, by proper evidence that the defendants had such intent to kill or concerted, or any real intent the persons who killed Song, before or at the time he was so killed in such intent - and that the defendants and the persons who killed Song were engaged in a common or concerted intent, the jury should acquit the defendants.

22nd If the jury believe from the evidence that the persons did not participate in any design to take the life of Song, but that it was taken by other persons without their consent or knowledge of intent and that such life was not taken or procurement of any persons previous design formed between persons & those killing then the Law will not hold them as aiders & abettors to the fact of killing unless they had engaged and advised the perpetration of the act or assisted or took part in the act of killing.

Refused
23rd It is essential for the prosecution first to establish by proof the killing of the deceased Albert Song by some one of those charged in the indictment, with malice express or implied to constitute murder, and if the jury are not satisfied beyond any reasonable doubt that such killing was with malice the jury cannot find any person charged in the indictment - guilty of the crime of murder.

Which the court refused to which decision of the court in refusing said instructions as asked by the defendants the defendants by their counsel at the time excepted. The jury rendered a

Verdict of Guilty as charged in the Indictment
Against all the defendants. The defendants then
moved the court to set aside the verdict and grant
them a new trial for the following reasons:

People vs

Ben. Brennan
Michael. Poshay
James. Poshay
Martin Ryan

Indictment for Murder

And defendants come
by Plato Pansworth and Wyzard
And then moves the court for a new trial on the ground
1st That the verdict is against the evidence
2nd That the verdict is against the Law
3 That the verdict is against the Law and Evidence
and instructions of the court
4th That the court erred in giving the Instructions
asked for by Prosecution
5 That the court erred in refusing the Instructions
asked for on the part of defendants and
respectively individually

6th The case or Trial was submitted to the
jury on Sunday morning the 28th May 1812/

Plato Pansworth & Wyzard
Attys for Defs

Which Motion was overruled by the court
and a judgment rendered on the verdict. To which
decision of the court in overruling said Motion
for a new trial and rendering judgment on
said verdict. the defendants by their counsel
at the time excepted and pray that their

Bill of exceptions may be signed and sealed
which is done in open court

Isaac L. Nelson
Judge

State of Illinois
Kane County

I Luther Dearborn Clerk of the
Kane County Circuit Court do hereby
certify that the above and foregoing is a full perfect and
complete copy the Record Transcript from the records of the
LaSalle County Circuit Court. Plea in Abatement
Indisputable Records of the Kane County Circuit Court
and the Bill of exceptions in the case of
The people of the State of Illinois against Kem Brown
James Denny, Michael Denny, and Martin Ryan as
appears from the records and files of my said Office
In Testimony Whereof I have hereunto
set my hand and the Seal of said Court
at Geneva in said County this 14th day
of June A.D. 1854

Luther Dearborn
Clerk

Supreme Court of Illinois

Kem Brown, Michel Denny

James Denny & Martin Ryan

Errors to Kane Co.

The People of Illinois

And now comes

the said People of the State, James Denny & Michel Denny their Counsel
and say that in the Record Proceedings of said Cause there is
manifest & material Error and that they are ready to
argue, wherever they may be required,

And for causes of error in the ^{entire} Record appear
the following -

1st The said Circuit Court of Kansas cannot
newly obtained Jurisdiction of said cause nor the
Parties therein, and has no right to try the same.

2^d The Court erred in overruling the
objection of P^lff. to the question put by Counsel ^{proposed}
to the Witness ^{for} testimony, & permitting said question to be put
and answered -

3^d The Court erred in overruling a motion
in arrest of judgment on said cause -

4th The Court erred in overruling a motion
for a new trial herein -

5th The Court erred in giving each ^{and all} of the
Instructions asked for & given on the part of the
People -

6th The Court erred in refusing each of the
instructions asked for and refused on the
part of said Plaintiffs -

7th The Court in giving each of the Instructions
asked for the People -

8th The Court erred in pronouncing judgment
and sentence on the verdict herein -

9th The Court erred in pronouncing judgment &
sentence of death upon the ^{apparent} ^{statement} ^{from} ^{the} ^{record} ^{that} ^{the} ^{defendant} ^{was} ^{formerly} ^{acquitted} ^{from} ^{of}
appears from the record ^{that} ^{the} ^{defendant} ^{was} ^{formerly} ^{acquitted} ^{from} ^{of}
the charge of murder on a former trial of
said cause -

10th The Court erred in giving sentence and
rendering judgment of death on the verdict
against each of the above named Plaintiffs -

11th The Court ~~of~~ ^{of} ~~Lasalle~~ ^{of} erred in overruling the
Plea in Abatement of said P^lff. and sustaining
the demurrer thereto -

12th These Plaintiffs were unlawfully put upon a trial
for their lives after one verdict upon the same
indictment had been rendered against them
and they were twice put in jeopardy of
life for the same offence

13th There is error in the order of Court
allowing the jury to seal their verdict
over the Cause -

Hyra Plato & Samuel
Counsel for Plaintiff

14 The verdict of the jury is contrary to the
evidence by the Law of the case -

And the said People by Wallace & Blackwell
their attorneys come & say that in the
record of the proceedings and in
the rendition of the judgments
aforesaid there is not any error
in manner and form as above
assigned, and that they are
ready to verify by the record &c
Wherefore they pray judgment &c
Wallace & Blackwell
for People