

14239

No. \_\_\_\_\_

# Supreme Court of Illinois

Snap et al

---

vs.

People

---

**SUPREME COURT OF ILLINOIS.**  
**FIRST GRAND DIVISION.**  
**NOVEMBER TERM, A. D. 1857.**

**ABSTRACT.**

Record Page.

Maddison Snap & William Francis plff's in error,  
vs,  
The people of the State of Illinois deff's in error' } Error to Franklin.

1 The plaintiff's at the last fall term of the Franklin circuit court, indicted for malicious mischief. *unlawfully & wantonly shooting a mare*

7 There was a motion to quash made and overruled, and the cause tried by consent before court, who found the plaintiffs guilty, and fined them \$50,00 each. To reverse which judgement the plaintiffs bring the case into this court by writ of error. Because, first, the court overruled the motion to quash, and second, because the court erred in finding the defendants, in the court below guilty of malicious mischief.

3-4 There was a bill of exceptions taken to the decision of the court below, which contains all the evidence, and which shows, that the plaintiff's owned a field of wheat, the fences enclosing which field were as good as common, and that  a mare which was breachy,  had got into plaintiffs' field before, on several occasions, and that the plaintiff Snap, took a shot-gun and shot at the mare of Tate's putting some shot into her flank but doing her no material damage; and that when plaintiff Snap shot said mare, she was doing damage in plaintiffs' field. It was also proved that the said Francis told the said Snap to take the gun and shoot said mare, which was the substance of the evidence given in the cause.

NELSON & JOHNSON Attys.  
For Plff's in error.

Madison Suck &  
William Francis  
Pfeiffer in error

47

The People of the State  
of Illinois.

depts in error

14239

Abstract of  
Records.

Filed 30. Apr. 1857.  
N. Johnston Clk

SUPREME COURT OF ILLINOIS.  
FIRST GRAND DIVISION.  
NOVEMBER TERM, A. D. 1857.

ABSTRACT.

Record Page.

Maddison Snap & William Francis plff's in error, }  
vs, } Error to Franklin.  
The people of the State of Illinois deff's in error }

1 The plaintiff's at the last fall term of the Franklin circuit court, indicted for malicious mischief. *unlawfully & maliciously shooting a mare*

2 There was a motion to quash made and overruled, and the cause tried by consent before court, who found the plaintiffs guilty, and fined them \$50,00 each. To reverse which judgement the plaintiffs bring the case into this court by writ of error. Because, first, the court overruled the motion to quash, and second, because the court erred in finding the defendants, in the court below guilty of malicious mischief.

3-4 There was a bill of exceptions taken to the decision of the court below, which contains all the evidence, and which shows, that the plaintiff's owned a field of wheat, the fences enclosing which field were as good as common, and that  a mare which was breachy,  had got into plaintiffs' field before, on several occasions, and that the plaintiff Snap, took a shot-gun and shot at the mare of Tate's putting some shot into her flank but doing her no material damage; and that when plaintiff Snap shot said mare, she was doing damage in plaintiffs' field. It was also proved that the said Francis told the said Snap to take the gun and shoot said mare, which was the substance of the evidence given in the cause.

NELSON & JOHNSON Attys.  
For Plff's in error.

Map

MOONBELL BERRY D. 1857  
KIBEL ASYAD D. 1857

1857

Affin