

No. **12242**

Supreme Court of Illinois

Freeland

vs.

People

71641  7

State of Illinois
Kendall County

Plas before the Honorable Edwin
Skeland Judge of the ninth
Judicial Circuit of the State of
Illinois presiding as Judge of the
Circuit Court of Kendall County
in said State at a term thereof
begun & held at the Court House
in Osceola in said County on the
13th day of March AD 1855

Present the Hon Edwin Skeland
Judge as aforesaid

William H S Wallace State attorney

Henry M Day Sheriff

Attest Embrothers clerks

Be it remembered that heretofore to wit
on the 23rd day of September AD 1854 the same
being one of the days of the September Term
of said Circuit Court for the year last
aforesaid said Court being duly organ-
ized & sitting judicially for the dispatch of
business the following amongst other proceed-
ings were had in said Court to wit;

This day came the Grand Jury aforesaid
into Court & present the following bills
of indictment as true bills to wit;

The People of the State of Illinois

Richard Greeland John Greeland & Samuel Greeland } Indictment for

Ordered that the same be
filed that a capias issue & that bail be
taken in the sum of one hundred dollars each

The People of the State of Illinois

vs
John Howard John Ryan son of } Kist
Samuel Ryan Francis Ryan Stephen
Batchelder Ira Meely Stuart & others }

Ordered that the same
be filed and that bail be taken in the
sum of two hundred & fifty dollars each
and the said grand jury & their foreman
say they have no further business before
them. It is therefore ordered by the Court
that they be discharged from further at-
tendance at the present term of this Court

State of Illinois
Kendall County

ss. Of the September term of the
said Kendall County Circuit Court,
in the year of Our Lord Eighteen
Hundred and fifty four

The Grand Jurors chosen selected and sworn
in and for said County of Kendall in the
name and by the authority of the people
of the State of Illinois, upon their oaths
present that Richard Freeland, ~~John~~
Freeland and Samuel Freeland late of
said County, on the Ninth day of Septem-
ber in the Year of Our Lord Eighteen
hundred and fifty four, with force and
arms, at and within said County of Kendall,
unlawfully and riotously did assemble
together to disturb the peace of the said
people, and being so assembled together,
in and upon the person of one George
K Warr in the peace of the said people
then and there being, unlawfully riot-
ously and with force and violence did
make an assault, and him the said
George K Warr then and there unlaw-
fully riotously and with force and
violence did beat wound and illtreat,
and other wrongs to the said George
K Warr then and there, unlawfully
~~unlawfully~~ riotously and with force
and violence did - to the great disturbance
of the public peace, to the evil example
of all others in like case offending - 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 A Wallace
State Atty

The People of B
vs
Richd and Ireland
John Ireland
vs John Ireland

Indictment for riots

A true bill
George W. Hurdwell

Foreman of the grand jury
Witnesses &

C. B. Raymond

A. R. Vileo

Gov. R. Wain

Mont. Kelly

Elijah R. Knight

C. J. Kennedy

McVilly Kizer

A. W. Newton

Bail \$100 each
C. J. L.

Filed Septem^r 23rd

A.D. 1854

John W. Corbitt

Clerk

And afterwards to wit on the 13th day of
March A.D. 1855 the same being one of the days
of the march I am A.D. 1855 of said Circuit
Court the said Court being duly organized
& sitting judicially for the transaction of busi-
ness came John Ireland & his attorney & files
his plea in the words & figures following to wit

The People of the State
of Illinois

vs
Richard Freeland
John Freeland
& Samuel Freeland

} State of Illinois Kendall
County and Circuit Court
} thereof of the March Term
} of said Court in the
} Year of Our Lord One
} thousand eight hundred
and fifty five
Indictment for Riot

And now comes the said John Freeland
one of the defendants in the above
entitled cause in his own proper
person and having heard the said
Indictment in the above entitled
cause read, saith that the said People
of the State of Illinois ought not to
prosecute the said Indictment against
him the said John Freeland because
he saith that heretofore to wit on the
ninth day of September in the Year
of Our Lord eighteen hundred and
fifty four George K Warr made com-
plain on oath before A R Niblo who
was then & there a justice of the peace
in and for the said County of Kendall
duly commissioned & qualified, against
this defendant for an assault and
battery upon him the said George K
Warr, and the said A R Niblo Justice
of the Peace aforesaid thereupon issued
his warrant against this defendant
by which warrant the People of the
State of Illinois commanded any
constable of said County to take the body
of this defendant & bring him before the

said Justice of the peace to answer said complaint and this defendant was on ~~the~~ said Ninth day of September A.D. 1834 arrested and taken before said Justice of the peace and upon the same day this defendant was tried upon the said charge of assault and battery so made made against him as aforesaid by the said George K. Wain before said Justice of the peace and a jury and after hearing the evidence in said cause said jury found this defendant guilty of said assault & battery and assessed a fine against this defendant of twenty five dollars and thereupon the said Justice of the peace rendered a judgment against this defendant in this cause for the sum of twenty five dollars fine and six dollars and seventy eight cents costs which said Judgment has never been reversed or made void but has been paid by this defendant, all of which will prove fully and at large appear from the docket of said Justice and the said John Greenland in fact with that the Assault & Battery for which this defendant was tried convicted and fined as aforesaid is the same Assault & battery in the Indictment in this cause mentioned and the same acts which were charged against this defendant in ~~this~~ complaint and tried before the said A. B. Niblo as constituting the offence of Assault & Battery are the same acts which in and by said Indictment are

charged against this defendant. as
constituting the offence of Riots that said
acts for which he was tried and fined
before said Justice of the peace and for
which he is indicted in this Indictment
in this cause are ~~the~~ same acts and not other
and different & evidence of all the facts
charged in said Indictment ~~was~~ given
on the trial before said Justice - And
this be the said John Greenland is ready
to verify wherefore he prays Judgment
and that by the Court here he may be
dismissed & discharged from the said
premises in the present Indictment specified

John Greenland

State of Illinois
Kendall County

John Greenland being first
duly sworn saith on oath
that the statements set forth
in the above plea are true in
substance & in fact

John Greenland

Subscribed & sworn to before me
this 13th day of March AD 1855
L. W. Crothers Clk

The Court &c
do
John Steeland
suppleadent &c

Filed March 13

1835

3

John Steeland
Att

And afterwards to wit on the 13th day
of March A.D. 1835 aforesaid came
Mr H Stollace State Attorney & ~~enter~~
files a demurrer to the said
plea of said John Steeland in the
words & figures following to wit;

State of Illinois } Circuit Court - March
Kendall County } Term A.D. 1855

The People vs
John ^{vs} Freeland
impleaded with
Richard Freeland et al

And now comes W H L
Wallace State's Attorney, who prosecutes
in behalf of said people, and demurs
to the plea of the said defendants
John Freeland by him above pleaded,
and says that the said people ought
not to be barred from prosecuting
said indictment by reason of anything
in said plea contained because he says
that the matters and things in said plea
alleged as the same are in said plea
set forth, are not sufficient in law
to bar said people from prosecuting
said indictment against said defend-
ant John Freeland - and this the said
people by their said Attorney are ready
to verify, Wherefore &c

W. H. L. Wallace
State's atty

The People &c
vs
John Aueland
impleaded &c
Demurrer to
plea of Autrefois convict

And afterwards to wit on the 14th day
of march A.D. 1855 the same being one
of the days of the March Term A.D. 1855
of said Circuit Court the Court
being duly organized & sitting judi-
cially for the dispatch of business
the following amongst other proceed-
ings were had in said Court to wit:

Tuesday March 14th 1855

The People of the State of Illinois	}	Indictment for
vs		
John Ireland impleaded with Samuel Ireland & Richard Ireland		
		Riot

This day came the People by
Wallace State Attorney and defendant
in his own proper person as well as
by Cook his attorney and demurs to defend-
ants plea in abatement filed herein which
having been heard by the Court and the Court
being fully advised in the premises it is
considered by the Court that the plea
of the said defendants and the matters
therein contained are not sufficient in law to
quash the said writ of the said People
and that said defendant do further an-
swer said writ and indictment and
defendant says he will abide by his
said plea

And afterwards to wit on the 17th day of
March A.D. 1855 the same being still
one of the days of the term ^{next} aforesaid
of the said Circuit Court of said
the following amongst other proceed-
ings were had in said Court to wit

Saturday March 17 1855

The People of the State of Illinois }
vs }
John Freeland impleaded }
with Richard Freeland & }
Samuel Freeland }
} *Riot*

This day again came the
People by Wallace States Attorney & defendant
John Freeland in his own proper person
as well as by Cook his attorney also
came and the Court being fully ad-
vised in the premises. It is ~~ordered~~
considered by the Court here that said
defendant John Freeland for his
misdemeanor aforesaid pay to the
People of the State of Illinois a fine of
one dollar as well as their costs in this
behalf expended & that said People
have execution for said fine &
costs —

State of Illinois
Kendall County

I John M. Brothers Clerk
Circuit Court of said County certify
the foregoing to be a true correct & perfect
copy of the Records of said Court remain-
ing in my office as appears by said
Records

In testimony whereof I
hereunto set my hand
& the Seal of said Court at
Osceola in said County this
26th day of June A.D. 1855

John M. Brothers Clerk

10
John Greenland

vs
John Peckham

Record

10 P.D.

Superior Records

Filed July 11. 1855
J. M. Peckham Clerk

12242

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1855