

12058

No. _____

Supreme Court of Illinois

Cowen, et al,

vs.

People

71641  7

State of Illinois
County of Cook } ss.

City of Chicago } Pleas before the Honorable Robert S
Milton Recorder of the City of Chicago and President
Judge of the Recorder's Court of said City at a Term thereof
begun and held at the Court House in said City
in the County and State aforesaid on the first Monday
being the fourth day of July in the year of our Lord
one thousand Eight hundred and fifty three and
of the Independence of the United States the Seventy
Eighth.

Present Honorable Robert S. Milton Recorder

Samuel W. Shaw State Attorney

Cyprian P. Bradley Sheriff

Alfred

Charles A. Rogers Clerk

And now on the fifth day of July in the year last aforesaid
said day being one of the days of said Term of Court the
Sheriff returned on to Court the venire issued by order of
Court for a Grand Jury executed by summoning the
following named persons to wit Isaac C. Mulliken
Charles Conyale Simon Raper Benjamin F. Haddock
William H. Adams George W. Cobb Horace H. Gots
George R. Hartback Andrew Blaikie George W. Reynolds
Jesse W. Duncan Clark Kempton B. W. Thomas
John B. Weir William Sanger O. C. Thatcher R.
H. Luskham J. M. Street M. L. Keith Seth
Waltham Aug. Maher Charles Chapman and W. W.

persons who upon being called answered to their names as follows to wit

Isaiah W. Freeman Seth Wadsworth Isaac L. Mulliken
Simon Doyle Benjamin F. Adcock W. H. Adams George
Morris H. H. Yates Andrew Blakie Genl. W. Shepard
John P. New William Sawyer W. C. Hatcher R. H. Tinsman
J. M. Stroud M. L. Keith Hugh Fisher Charles Chorn W. W.
Jackson Charles Douglas and Genl. R. H. Adams who gave
their attendance at the term, and the Court having
appointed Isaac L. Mulliken Freeman and they being
daily sworn as a Grand Jury in and for the County of
the City of Chicago in the County of Cook and State of
Illinois and they having received the charge of the Court
retired to consider of their presentments

And now on the Eighth day of July in the year last
aforesaid said day being one of the days of said term of
Court the Grand Jurors came into Court and among
the presentments made the following presentment
indorsed a true bill to wit

The People of the State of Illinois }
as } True Indictment
Thomas C. Brown and Peter W. Brown }

which said indictment was in the
words and figures following to wit

State of Illinois }
City of Chicago }
County of Cook }

of the July Term of the Recorder Court of the
City of Chicago in said State and County in the year of our
Lord one thousand Eight hundred and fifty three

The Grand Jurors chosen selected and sworn in and
for the City of Chicago in the County of Cook and State of
Illinois in the name and by the authority of the People of the
State of Illinois upon their Oath present that Thomas Carson
and Patrick Carson late of said City in the County aforesaid
day of June in the year of our Lord one thousand Eight
hundred and fifty three in the City of Chicago in the
County and State aforesaid consoling and intending to
cheat and defraud one Harmon Williamson then and
there being of certain Miners goods and choses in action
did then and there wilfully, knowingly and designedly
and falsely pretend and represent to the said Harmon
Williamson that a certain Watch which they the said
Thomas Carson and Patrick Carson then and there pro-
posed to sell said then and there did sell to the said
Harmon Williamson was a gold Watch of the value of
one hundred and Twenty five dollars and made of the
best Californian Gold, by means of which said false
representations and pretences they the said Thomas
Carson and Patrick Carson did then and there unlaw-
fully knowingly and designedly obtain for said

Watch from the said Ransom McKim for Bond \$100 for
the payment of Ten dollars each and of the value of Ten dollars each
of the personal goods of the said Ransom McKim then and there
being without then and there to Cheat and defraud the
said Ransom McKim of the said Mornis goods and
Chase in action

Whereas in truth and in fact the said Watch
was not a gold Watch nor was it worth one hundred and
twenty five dollars nor was it made of the best California Gold
but in truth and in fact was what is commonly called a Lubra-
ged Watch of very small value to wit, of not more than the
value of five dollars which they the said Thomas Cowen
and Patrick Cowen then and there well knew and which
the said Ransom McKim did not know they the said
Thomas Cowen and Patrick Cowen then and there as
aforesaid intending to Cheat and defraud the said
Ransom McKim Contrary to the Statute and against the
peace and dignity of the same People of the State of Illinois

James M. May State Atty
which said indictment was endorsed as follows to wit
Records Court of the City of Chicago July Term 1883 The People of
the State of Illinois vs Thomas Cowen & brother Indictment for False
Petitions to Free Bond J. S. McKim Foreman of
the Grand Jury Nathaniel Ransom McKim Luther
Pacheco J. G. Galtier James L. Howe L. McLean Mr
Clerks Filed July 8th 1883

P. A. Hoagme Clerk
And Now again on the Eleventh day July in the

year of our Lord One thousand Eight hundred
and fifty three (said day being one of the days of
said Term of said Court) the following proceedings
were had in this cause, which proceedings are in
the words and figures following to wit.

48 as } False Pretences
The People of the State of Illinois }
Thomas Connor and Patrick Connor } This day comes the
said People by Daniel M^r Shay State Attorney, and
the said defendants as well within our proper persons
as by his Counsel Patrick Ballingale Esq. all comes
and they being severally furnished with copies of their
Indictments and lists of the Jurors and Witnesses
and they being severally arraigned and put to the demand
of and concerning the crimes alleged against them in
said Indictment then they would acquit themselves for
pleas in their behalf, say they are not guilty in manner
and form as they are charged in their Indictment and
of this they put themselves upon the Country and the
people do the like. Whereupon it is ordered by the Court
that the prisoners be remanded.

Tuesday, July 12th 1853

And now again on the twelfth day of July in the
year last aforesaid (said day being one of the days
of said Term of Court) the following proceedings were
had in this cause, which proceedings are in the words
and figures following to wit.

48
 The People of the State of Vermont
 vs
 Thomas Cowen and Patrick Cowen } Fall Pleasures

And now at this day
 again comes the said People by Samuel M. Shaw
 State Attorney and the said defendants as well in
 their own proper persons as by their Counsel Messrs
 Ballingale, Hedgie and Cameron also come, and
 upon being joined between the parties hereto It is
 ordered that a Jury come to try the issue
 of a Jury of good and lawful men to wit (to whom the
 said defendants by their Counsel object)
 Nathaniel Gould Joseph Johnston Armin Myers
 Edward H. Haught Orville Torrey James M. Ward
 David J. Lake Samuel J. Hannis O. Taylor and
 R. H. Deering F. L. Hunt S. M. Birds
 who being duly elected tried and sworn well and truly
 to try the issue joined between the parties according to law
 and the evidence and they hearing the testimony of
 witnesses arguments of Counsel and instructions of
 the Court retire in charge of a sworn officer of the
 Court to consider of their verdict and afterwards come
 into Court and say, be it of the Jury find the defendants
 guilty in manner and form as they are charged
 in the Indictment

Whereupon it is ordered by the Court
 that the prisoners be remanded

Thursday July 14 1853

And now again on the fourteenth day of July in
the year last aforesaid. (Said day being one of the days
of the term of said Court: the following proceedings were
had in this cause, which are in the words and figures as
follows to wit

The People vs &c

48

47

Thomas Corcoran and
Patrick Corcoran

} False Pretences

And now at this day again
come the said defendants, as well in their own proper
persons as by their Counsel Messrs Ballingall and
Kedzie also comes: and neither the said defendants
nor their Counsel for them request anything further by
the Judgment of the Court should not now be pronounced
against them in the verdict of guilty, having been
havin

It is ordered and adjudged by the Court that
the said defendant Thomas Corcoran be taken from the
Bar of this Court to the Common Jail of Cook County
from whence he came, and be delivered to the Jailor of
said County, and the said Jailor is hereby required
and commanded to take the Body of the said defendant
and confine him in said Jail for and during the
space of six months from and after the delivery hereof
It is also ordered and adjudged by the Court the property
charged in the Indictment in this cause be restored
to the rightful and legal owner or owners of the

sums, and that the said defendant Thomas Corcoran
be fined the sum of Five hundred dollars, and that
he do stand committed to the Custody of the Sheriff of
Cork County, until the said fine of Five hundred
dollars and the Costs of this prosecution be paid.

It is further ordered by the Court that the said
defendant Patrick Corcoran, be taken from the Bar of
this Court to the Common Jail of Cork County from
whence he came and the Sheriff or Jailor of said County
is hereby required and commanded to take the body of
the said defendant Patrick Corcoran and confine him
in said Jail in safe and secure custody for and
during the space of thirty days from and after the delivery
hereof, that the Property set forth in the Indictment be
restored, and that the said defendant be fined the
sum of Fifty Dollars, and that he do stand committed
to the Custody of the Sheriff of Cork County, until the
said fine of Fifty Dollars, and the prosecution be
paid, said commitment to commence after the expiration
of the said thirty days from and after the delivery hereof.

The People then to prove the case on their part
called the Witness Nelson Melanson the person
named in the Indictment from whom the money
was obtained who being sworn testified that he
- Came to Chicago from _____ County in the State
of New York on the 18th June 1853, that defendant
Patrick Corran entered into conversation with him
said Patrick in the Street, was asked by the Prosecuting
Attorney what conversation took place between him
and the defendant Patrick Corran at the time of
making the false pretenses charged in the Indictment
said Melanson then testified in answer to said
question objected to, that said defendant Patrick
Corran told said Patrick that he had no money
to pay his brand bills that he wanted money to
pay the expenses of himself and two sisters and
- leave the City of Chicago on the 18th; = said
Patrick further testified that said defendant
Patrick Corran stated to him that he had a very
valuable gold Watch which he was under the
necessity of selling for less than its value that
said Watch was worth one hundred and twenty
five dollars, that while witness was conversing
with said defendant Patrick Corran, the defendant
Patrick Corran, who was on sight, came up and looked
at the Watch, recommended the Watch, said it
was a very valuable gold Watch.

The foregoing evidence

was objected to objection overruled and excepted to by
Defendants Counsel

Said Prosecuting Attorney further interrogated
said Witness Williamson as to the Statements made
by the defendant Thomas Conner. Said Witness William-
son then testified in answer to said last question
that said Thomas Conner told said Witness, that
if he witness could buy the watch in question which was
present, for fifty dollars, he would give Witness
five or even six dollars for his bargain, as soon
as he could go to Cassell Street, or to the Railroad
depot for the money; the watch was so valuable,
that he witness would not have bought the watch
had not the largest of them the defendant Thomas
Conner offered to give me five or six dollars for
my bargain. The foregoing evidence objected to
was overruled & excepted to by Defendants Counsel.

Said Prosecuting Attorney further asked said
Witness Williamson what took place after he had paid
the money and received the watch.

This question was objected to by defendant's Counsel,
on the ground that nothing had transpired after
the money had been obtained was competent to be
given in evidence. This objection was overruled by
the Court and the decision of the Court in overruling
said objection was excepted to by the defendant's
Counsel.

Said Petrus then testified in answer to said last
1 questions objected to as aforesaid that after he had paid
the money and received the Watch in question the said
defendant Thomas Conner went up Wells Street to get
the money to redeem the watch and pay him the
five or six dollars for his bargain; that he waited
for him some time but said Thomas Conner did
not return; that Petrus watched him till he went up
to the depot and crossed over the Street and turned
a corner; that Petrus waited till the time for defen-
dant Thomas Conner to return had expired; that
Petrus then thought he defendant Thomas Conner meant
to impose upon him; that Petrus then put the Watch
in his pocket and went to Mrs Edwards the Jeweller

11 This testimony was all objected to by defendants
Conner & the objections overruled by the Court and
defendants Conner excepted; said Petrus
McKinson was shown a Watch & said it looked
like the Watch sold to him by defendant that
it has his mark on it; that he put a mark
on it; that the mark on the Watch was just such
a mark as he put on the Watch; that the transaction
took place between Cass and Wells Street over
North Water Street in City of Chicago that he gave
the money to defendant Patrick Conner in five
110 Eastern Bells; did not receive the name
of the Bank that the Bells were good money so

far as he knew that they were worth fifty dollars
to witness, said that he was a farmer from the
County and did not know anything about Watches
+ Said Watcher Corp, affirmed testified that he gave
five pds Bell for the Watch, that the large man,
○ defendant Thomas Cronin, stepped up before the
watch was sold; Watcher said that the officers
told him they had fifty of his money taken from
the defendants and that he would get it again when
the defendants were convicted. Court decided that
what the officers told Watcher was incompetent
and defts Cronin excepted to this.

Direct Examination of Said Watcher resumed
Watcher testified that the defendants first stood a
short distance apart, that the young man Patrick
Cronin was by the Watcher; the other Thomas Cronin
was in sight when the first conversation took place;
⊕ It was Thomas Cronin that induced him to buy the
⊕ Watch. They were in a lane at the time of the sale
the Watcher and Patrick Cronin went into the alley
the defendants were both together in the alley, when
the money was paid the Watcher paid the money
to the latter one Patrick Cronin.

James S. Horn was then called
as a Witness on the part of the People and

sworn, he testified that he was Marshal of the
City of Chicago. He was asked if he had ever seen
the defendants together, the question was objected to
by defendants. The objection was overruled by the
Court and defendants excepted, said Witness
in answer to said question stated that he had seen
them together in the Watch House. He further
testified that he had seen the Watch shown to first
Witness McKinnon that he took the same from Mr
Cutter in the Watch House that he knew it to be
the same Watch, that he did not know the value
of the watch nor what it was made.

J. J. Butler was then called as a Witness on the
part of the people and sworn. The prosecuting Attorney
asked Witness if he had ever seen defendants together.
The question was objected to if it referred to any time
subsequent to the transaction alleged in the indictment. The
objection was overruled by the Court and defendants
excepted. Said Witness then stated in answer to
said question objected to as aforesaid that he had seen
defendants together at the Gustafson House in the
Bar Room subsequent to the selling of the Watch.
Witness also testified that he searched the defendants
that he had seen the Watch shown to the first Witness
McKinnon, and that the watch now produced was the
same watch he had seen in possession of the Witness McKinnon.

J. Edwards was then called as a Witness
in the part of the people sworn. He testified that
he was a Watch maker; the Watch in question
was shown to him; he said it was a Quarter
or gilt; ^{cheap} it was a gilded watch; that it was gilded, ^{cheap} watch that it was
worth five or six dollars.

James McNich Crop examined testified that
the watch had no finish at all, that it was
a very miserable thing, that the Bolt which
opens it corresponded with the balance of it that ring
in the stem was fastened with a Steel or iron screw
that the watch had a coating of gold outside
and inside that the works were of brass the ordinary
material used for that purpose.

Direct examination of James McNich resumed.
McNich testified that the material of said Watch
was the same generally used for gilded and
gilt watches; but had a coating of gold outside
and in both Cases;

James Nolan was then called as a Witness
in the part of the people and sworn. He testified
he was a Watchmaker; the watch in question was
shown to him; said it was not a Gold Watch
that it was worth little or nothing for use; might
be worth six dollars to sell;

James McIntosh Cross examined testified that there was a coating of gold outside and in the case of said Watch.

Allan Pinkerton another witness on the part of the Plaintiffs was called and sworn and the prosecuting Attorney, offered to prove by him in order to show the intent to cheat and defraud as charged in the indictment, that a large quantity of watches and goods similar in quality, to the watch for selling which the defendant was indicted were found in their possession after their arrest on the charge in the indictment.

The evidence was objected to by the defendant Counsel and the objection overruled by the Court. The defendant Counsel excepted to the decision of the Court in overruling said objection.

Under the objection last mentioned a large quantity of watches and jewelry was produced and offered in evidence to the jury, to which defendant's objected. The objection was overruled by the Court and defendant, excepted said Watches and Jewelry viz: the Goods set forth in the Schedule hereto annexed marked 'A' were then given in evidence to the jury under the objection aforesaid.

The Witness Pinkerton then testified that he found the same in a trunk at Mrs. Hollomay's house a copy of the way, that the Hollomay kept a Boarding House

Charles Hollaway was then called as a Witness on the part of the People and sworn. He testified that he lived at No 131 Randolph Street that he knew the defendants, the defendants stopped at his house from which they now receive their meals.

The Prosecuting Attorney offered to prove by said Witness that the defendants brought the trunk containing the garmented watches & jewelry to the wife's house. This evidence was objected to by defendants because it did not relate to the transaction charged in the indictment. The objection was overruled by the Court and defendants excepted. Under said objection the following testimony was given by said Witness that these new trunks brought to his house by defendants that the defendants occupied the said room and that he saw some jewelry in possession of defendants at his house such as shown as Court that he saw an officer with a key open a trunk, that he did not know when the trunk was that it was in the room occupied by the persons, nor why else claimed the trunk.

All the foregoing objections to objections overruled by the Court and defendants excepted. No cross examination of said Witness.

James P. Nolan witness was recalled.

on the part of the people. He was shown the goods mentioned in said Schedule A. He testified they were what they called gilt watch, that some of them might be good that they were of the same character as the watch in question, that two of the watches were good gold watches. These two were old watches commonly called Ladies Watches different from the other watches. The foregoing is all the testimony given on the part of the people in this case. The Defendants gave no testimony in this case.

The Court was then asked to give the following instructions on the part of the defendants:

1st If the Jury shall believe from the evidence in this case that the Witness Hanson Williamson by an exercise of Common sense and Caution on his part would have been enabled to avoid being imposed upon by the pretences in evidence, the case is not within the Statute, and the verdict should be for the defendants; which the Court refused to give as asked but modified by adding the words following to wit: "In applying this instruction the Jury will consider the evidence, that Complainant was a farmer & knew nothing about such articles"; to which refusal and modification defendants excepted.

2^d If the Jury shall believe from the evidence that the Witness Hanson Wilkinson testified that he would not have purchased the Watch in question if it had not been the representation of the Co-defendant Thomas Cowen that he Thomas would give him five or even six dollars for his bargain then the defendant Patrick Cowen ought not to be found guilty nor ought Thomas to be found guilty.

3^d If the Jury shall believe from the evidence that the Witness Hanson Wilkinson sworn in the indictment stated that he would not have purchased the Watch if it had not been that Thomas Cowen the Co-defendant told him that he would give him five or six dollars for his bargain and that he ^{asked} ~~asked~~ some time for Thomas to bring the money to him then they ought to find the defendants not guilty. Which last mentioned instructions Numbers 2 & 3 the Court refused to give and the defendants excepted to such refusal.

4th that the Jury cannot find in this case one defendant guilty of one of the false pretences ~~if the false pretences~~ stated in the indictment and the other defendant guilty upon another of the false pretences stated in the indictment, but the Jury before they can find both defendants guilty

must believe from the evidence that both defendants,
made the representations or some material one of
them as charged in the Indictment - which Instructions
the Court refused to give as asked for but modified
the same by adding the words "or that both agreed
* that the one should make them;" to which refusal
and modification defendants excepted

5th That if the Jury shall believe from the evidence
that Thomas Carrow stated that if the Witness William
McKinnon would purchase the Watch he Thomas
Carrow would give him five or six dollars for
his bargain, that McKinnon then purchased it
but that Thomas failed to pay him, this is not
a false pretence within the Statute, which last
instruction the Court refused to give as asked for
but modified the same by adding the words
"And this not being charged in the Indictment
"as one of the false pretences it is not material";
to which refusal and modification defendants
excepted

6th That before the Jury can find Thomas
Carrow Guilty they must believe from the evidence that
Patrick Carrow made the false pretences charged
in the Indictment with the knowledge consent and
direction of Thomas, this instruction was given

9th That the Jury before they can find the defendants guilty must be satisfied from the evidence, that the inducing motive of the Witness Williams paying to Patrick Conner the five ten dollar bill, was the false pretence charged in the indictment - (if true) but if they shall believe from the evidence that the inducing motive was the expectation that Thomas Conner as the defendants would pay him five or six dollars for his bargain then they must acquit the defendants which instruction the Court refused to give or asked for but modified the same by adding the words following; "No & so, if the Jury believe this a part of the inducement only"; to which refusal and modification the defendants excepted

The Court was asked to give the following instructions on the part of the People viz:

1st If the Jury shall believe from the evidence that both the defendants designed and agreed together and intended to cheat the persecuting Witness by representing the watch in question to be good no matter, which of them made the representations both are equally liable for the consequences thereof within the meaning of the Statute;

Q. If the Jury believe from the evidence that any portion of the representations set forth in the indictment caused the prosecuting Attorney to part with his money the law is for the People if they also believe from the evidence that the defendants co-operated in those representations to the giving of said instructions Nos 1 & 2 on the part of the People defendants excepted

The Court also gave the following instructions but not at the request of the People nor of the defendant viz

The fact that the defendants selected such a man as the prosecuting Attorney, entirely unacquainted with such an article as the watch in question is proper evidence to be considered by the Jury in determining as to the intent of the defendants

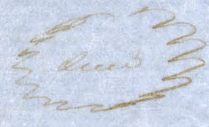
The Jury will in determining or being governed by the instructions of the Court, take into the instructions on both sides together and not determine the case upon any one instruction alone

The defendants excepted to said last mentioned instructions given by the Court as aforesaid

The Jury returned the following verdict

"We the Jury find the Defendants guilty
in manner and form as charged in the
Indictment and the Defendants viz Thompson
remanded to Prison

And Thompson the Counsel for the Defendants
tendered the said Bill of Exceptions to the
said Court and requested the Court to sign
and seal the same which is done in open
Court

R. S. Nelson 
Recorder

Schedule A

2 German Silver Watches

10 Penna Cases gilt - large & small

3 Gilt Watch Rings - one Gilt Watch Key

Six German Silver Watches gilded with Silver
Five Gilt Watches

Five German Silver Watches gilded with Silver

one Gold Gilded Hunting Watch

one do do do

Six Gilt Watches, open dial

two Gold gilded Hunting Watches

one Gilt Watch Gilt Chain

one Gold Gilded Hunting Watch

one Gilt do do

one Gilt Watch

Two German Silver Hunting Watches

one do open dial

one do open dial

fifteen gilt Chains

Two do German Silver Chains

one Gilt Key, one Gilt Watch

one Steel Chain, Two Gilt Chains

one Gold Chain & end in broken pieces

Four gilt rings with Stones

Two German Silver Watches open dial

24 Rings gilt different Patterns some of them plated
gold

Very genuine Silver Watches open dead
One day aperted Gold Rings
One dozen Silver Watch Cords with gold trimmings
Twenty Two Watch Hollow cutt gold trimmings
Five Watch Seals gold
One pair do do
Sixty three Painted Mail Boxes some set
with Stones some without
Ten pairs Ear Rings gold and
Six Short Studs with Stones on them
Eight gold Breast Pins aperted
Three Gold Rings Two female
One Giltwage Watch A2 -
Plated gold Finger Rings
Six Watch Rings gold
Three Rings gold plated

L. W. W. W.

State of Illinois
County of Cook

City of Chicago } Do I Philip A. Hays Clerk
of the Recorder's Court of the City of Chicago in the
County of Cook and State of Illinois do hereby
Certify that the above and foregoing is a
true and correct Record of the Proceedings
in the said Cause wherein the People of the
State of Illinois are Plaintiffs and Thomas

*Come aux Patrons Come au défendants
ou au redoublement des fautes piteuses*

Witness my hand and the seal of said
Court at Chicago, this 20th day of
July A.D. 1853

Philip W. Moore

Thomas Cowen & Patrick
Cowen Plff in Error }

The People ^{vs} Error to the Recorders Court of the
City of Chicago

And now come the said Plaintiffs in Error by P. Ballingall their Counsel and say that in the Record and proceedings aforesaid and in the rendition of the Judgment aforesaid there is manifest error to their prejudice in that to wit that the said Recorder's Court rendered judgment and sentence against the said Plaintiffs in error when by the law of the Land said Recorder's Court should have rendered judgment for the said Plaintiffs in error And for further avowment of error said Peff in error avow and set down the following to wit: -

1st The Act of the Legislature of the State of Illinois creating the said Recorders Court is in violation of the Constitution of said State:-

2^d The said Recorder's Court had no jurisdiction of the said Indictment; nor of its subject matter nor of the persons & it is so held.

2^d The said Jurors D. J. Lake & others were incompetent Jurors.
3^d The Court erred in admitting to the jury the testimony of the witness Leathers & Howes as to

302 The Court erred in admitting to the jury the testimony of the witness Leathers, ^{and} ~~as to~~ ^{Howe}

seeing the def^s together after the ^{alleged} commission

of the offence charged

3rd. The Court erred in permitting the witness Dickinson to testify, and in admitting the evidence of what the def^t Patrick Corbett requested to him before any representation charged in the indictment was made, and while Thomas Conner was not present not in hearing

4th The Court erred in admitting the testimony of the witness Penkerton to go to the jury for the purpose of proving the intent to cheat and defraud as charged in the indictment.

5th The Court erred in admitting the testimony of the witness Hollaway to go to the jury

6th The Court erred in refusing to give the first instruction as asked by the Defendants; and in giving it as modified by the Court

7th The Court erred in refusing to give the second and third instructions asked for by Defendants.

8th The Court erred in refusing to give the 4th instruction as asked for by Defendants and in giving it as modified by the Court.

9th The Court erred in refusing to give the 5th instruction as asked for by Defendants; and in giving it as modified by the Court.

10th The Court erred in refusing to give the 6th instruction as asked for by Defendants; and in giving it as modified by the Court.

11th The Court erred in giving ~~both~~ each of the instructions asked for by the People

12th The Court erred in giving the instructions emanating from the Court without such instructions having been asked for by the People or by the Defendants.

13th The Court erred in giving each of the Instructions emanating from the Court itself.

And thus they are ready to verify wherefore and for other errors appearing in the Record of the Judgment aforesaid the said ^{Plaintiffs} defendants pray that the said judgment may be reversed set aside

and for naught esteemed and that they may be
restored to all things they may have lost by
accasion thereof &c

T. Ballingall for ~~Office~~ in
error

17.
Humes, Brown and
Patrick Brown

The People of the State of Illinois
Free of \$8.33 PD

Error
transcript

Records & errors.

Filed July 27th 1853.
A. Leland Clerk.
By J. W. Leland Secy.

11 November 53.
14 " 54.

17.
Thomas Coward et al,
vs.
The People &c -

1853

17 P. D.

12058

Prepared

1853