

No. 12854

Supreme Court of Illinois

Kridler

vs.

People

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No.



PEOPLE'S CAUSES.

19 P.D.

Kudler

1000

1859

"State of Illinois }
"Carroll County }
"J D Judicial Circuit }

"At a ^{Special} Term of the Carroll County
"Circuit Court begun and holden at the
"Court House in Mt Carroll in said County
"on Monday the tenth day of May 1888
"in pursuance of a proclamation of the
"Judge of said Court and of the Sheriff
"of said County. Present:

"Hon. John V. Eustace Judge
"Isiah B. Johnson Sheriff
"Robert H. Birchell State atty
"Volney Armstrong clerk

"Attest Volney Armstrong clerk

In the Records of the proceedings of said
Court on Friday May 14th 1888. it being
still of the May Special term 1888 of said
Court is found the following entry to wit

"And now at this time the Grand Jury present the
"following indictment as a true Bill to wit
"The People of the State of Illinois }
"George Bridles, Samuel Sameroux } Indictment for riot
"Lewis Wilckerson Orrin Jones John } in disturbing the
"Jones Ellis Jones, Charles Keeth } peace of a family
"Joseph B. Keeth, & Henry Keeth }

11 (Indorsed) A True Bill
Signed Henry Smith Foreman

" State of Illinois
" Carroll County
" 22 Judicial Circuit

" At a term of the Circuit Court
" of said Carroll County begun and
" holden at the Court House in McComb
" in said County, on Tuesday the 19th day
" of October 1888. The same being the second
" day of said October term 1888. appointed by
" Law to be begun and holden at the Court
" House in said County on the third Mon-
" day of October 1888. Present

" Hon John V. Custace Judge
" Josiah B. Johnson Sheriff
" Robert C. Beachell State Atty
" Volney Armon Clerk

" Attest V. Armon Clerk

On the Record of the proceedings of said
Court at said October term 1888. for
Tuesday October 19th 1888 is found the
following entry to wit

" The People of the State of Illinois }
George Kniddle Samuel Samerand } Indictment for riotous
Lewis Milckson Owen Jones } disturbing the peace
of a family

" John Jones. Ellis Jones }
" Charles Keeth Joseph P. Keeth }
" & Henry Keeth. }

" And now at this time come the
" said defendants by Miller their attorney
" and enter their motion to quash the
" indictment herein

" State of Illinois
" Carroll County Jp.
" D D Judicial Circuit C

" At a Term of the Circuit Court
" in said County begun and holden
" at the Court House in said Carroll
" in said County on Tuesday the 8th
" day of March 1839. the same being
" the 1st day of the March Term of
" said Court. Appointed by Law to be
" begun and held in said County on
" the first Monday of the month of
" March 1839. Present.

" John V. Gustafson Judge

" Adam Stase Sheriff

" Robert C. Burchell State atty

" & Volney Armstrong Clerk

Attest

" Volney Armstrong Clerk

In the Records of the proceedings of said
Court on ~~Wednesday~~ the 16th day of
March 1839. it being still the March
Term of said Court 1839. is found
the following entry of Record. to wit.

" The People of the State of Illinois }

13. " George Knicker Samuel Sammons }

" Lewis Wilcoxon Owen Jones John Jones }

" Ellis Jones Charles Keeth Joseph P. Keeth }

" & Henry Keeth

} Indictment for ^{disturbing}

the Peace of a ~~private~~

family

11 And now at this time, Come the said
12 defendants by Miller their Attorney and
13 ^{calls up the motion made herein at last term of this Court.}
14 ~~Enter their motion~~ to quash the Indict-
15 ment herein. which motion having been
16 considered by the Court is by the Court
17 overruled. to which order and ruling of
18 the Court the said defendants except.

19 And now at this time the defendants are
20 assigned in due form of law and
21 for plea to the Indictment herein say that
22 they are not guilty in manner and
23 form as charged against them in the
24 Indictment. And if this they put them-
25 selves upon the Country. And thereupon
26 it is ordered by the Court that a jury
27 be called. and thereupon came the follow-
28 ing good and lawful men to try the issue
29 between the People and the defendants
30 to wit. Samuel Allen Halsey Kenyon. Henry
31 L. Alhertson David S. Bowen. Thomas D. Davis
32 John Paxton Joseph Whittle. Isaac. Corner
33 Moses A. Green Norman D. French. Eddy
34 Aldrich & George White. who being duly
35 elected tried and sworn after hearing
36 the evidence and arguments of Counsel
37 retire to consider of their verdict

In the Records of said Court for Thursday
March 19th 1859. it being still the March
Term AD 1859 of said Court appeared
the following entry to Wit.

"The People of the State of Illinois

vs

} Indictment for ^{riot} dis-

"George Kridler Samuel Sammons } disturbing the peace
"Lewis Wilcoxon Owen Jones John } of a ~~parish~~
"Jones Ellis Jones Charles Keeth } family
"Joseph P. Keeth & Henry Keeth }

"And now at this time the jury
"empanelled in this case return into
"Court and being respectively called answer
"to their names and hand their ^{written} verdict
"to the Clerk and by order of Court the
"same is read by the Clerk and is in
"the words following to Wit. "We the jury
"find the defendants guilty."

"Signed) Norman D French Samuel
"Allen Moses A Green Kelby Kenyon
"Henry L. Attherton. Eddy Aldrich George
"White Darrk L. Bowser. Thomas D. Davis
"John Saxton Joseph Whittle Isaac Corner

"And thereupon came the said defendants
"by Miller their Attorney and move in
"arrest of Judgement and for a new
"trial. which motion having been con-
"sidered by the Court is by the Court

“ overruled; to which order and ruling of
“ the Court the defendants except.
“ And now at this time the defendants
“ George Knicker Samuel Sumner and
“ Charles Keeth are by the Court fined
“ in the sum of twenty five dollars each
“ and Lewis Milcockson Ellis Jones John Jones
“ Owen Jones. Joseph P. Keeth and Henry
“ Keeth in the sum of ten dollars each.
“ And thereupon it is considered and adjudged
“ by the Court that the People of the State of
“ Illinois have and recover of said defen-
“ dants. George Knicker Charles Keeth
“ and Samuel Sumner the sum of twenty
“ five dollars each. and of the defendants
“ Ellis Jones Owen Jones. John Jones. Lewis
“ Milcockson. Joseph P. Keeth and Henry Keeth
“ the sum of ten dollars each. Together with
“ their costs and Charges of said People in this
“ behalf by them expended. And that said
“ defendants stand committed until
“ the fine and costs are paid.

State of Illinois
Carroll County

I Volney Armstrong Clerk

of the Circuit Court in and for said
County and State aforesaid do
hereby Certify that I have compared
the foregoing Transcript of proceedings
in the Circuit Court of said County in
the Case of The People of the State of
Illinois v. George Kridler Samuel
Lumeraux. Lewis Wilcoxon. Owen
Jones John Jones Ellis Jones Charles
Reeth. Joseph P. Reeth and Henry Reeth
with the original entries in the minutes
of said Court and do Certify that
the same are true copies and the
whole of said original. Except the entry
of the recognizances of said defendants
with others as security to reply the fine
and costs in this case in pursuance of
the 193 section ^{of the Criminal Code} of the Revised Statutes of
Illinois, which is not herein added. and I
further Certify that the annexed paper marked
"A" is a true full and correct Copy of
the Indictment herein and of the endorsements
on the back of the same.

Exhibit

In testimony whereof I have

herunto set my name and
affixed the seal of said
Circuit Court done at
MBarroll in the County
of Carroll this the 7th
day of April in the year
of our Lord one thousand eight
hundred and fifty nine

Volney Ammon
Clerk

"State of Illinois
"Carroll County

"Of the May Special Term of
"the Carroll County Circuit Court
"in the year of our Lord one thousand
"eight hundred and fifty eight

"The grand Jurors chosen
"selected and sworn in and for the
"County of Carroll State of Illinois
"in the name and by the authority of
"the People of the State of Illinois upon
"their oaths present that George Krieger
"Samuel Sameroux Lewis Hilekeer
"Owen Jones John Jones Ellis Jones
"Charles Keeth Joseph P. Keeth and
"Henry Keeth late of the County of Carroll
"on the first day of January in the year
"of our Lord one thousand eight hundred
"and fifty eight at and within the County
"of Carroll unlawfully maliciously and
"wilfully riotously and routously did assemble
"and gather themselves together at late
"and unusual hours to wit at hours of eleven
"and twelve o'clock in the night time to
"disturb the peace and quiet of the family
"of John Keckler then and there in in the
"peace of the said People then and there
"being and being so unlawfully and

Exhibit "A"
chv 20 13

The People

George Wicklen
Samuel Lemenax
Lewis Wilcoxon
Jesse Jones
John Jones
Elias Jones
Charles Keckler
Robert P. Keckler
J. Henry Keckler

Indictment for riot in dis-
turb[ing] the Peace of a
County

True Bill
Henry Smith
Clerk

Witnesses
John Keckler James
Adolph. Lemelius
Heinrich Keckler
Bail \$100 each
John P. Custard
Judge

Exhibit "A"

Filed May 14 1868
V. Anonymous
Clerk

Richard Jones
John Keckler

"riotously assembled and gathered together
"maliciously ~~unlawfully~~ wilfully and
"unlawfully did by loud and unusual
"noises, by turbulent and offensive carriage
"threatning and quarreling disturb the
"peace and quiet of the family of the
"said John Keckler. Contrary to the form
"of the Statute in such cases made and
"provided and against the peace
"and dignity of the same people of
"the State of Illinois

R. C. Besschill
"States attorney"

Errors Assigned

The court below erred in overruling the motion to quash the Indictment

The court below erred in overruling the defendants' motion in arrest of judgment

The court below erred in overruling the defendants' motion for a new trial

For reason

1st That the Indictment does not allege the offense to have been committed in Carroll County

2nd It does not appear by the record that the Indictment was ever returned into Open Court. (20 Ill. 432)

Fred. C. Ingalls
Att. for Plaintiffs
in Error

19

George Kridler et al
vs
The People

Transcript

Filed May 4, 1889
L. Leland
clerk