

13025

No. _____

Supreme Court of Illinois

Arnett

vs.

Savage

71641  7

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State of Illinois } ss.
Bureau County }

Be it remembered that on the 15.
day of February A.D 1859 came into the Office of
the Clerk of the Circuit Court, William Arnett
by Slipp & Spaulding his Solicitors and filed his
process for writ of Replevin in the words and
figures following to wit

State of Illinois } Circuit Court to the March
Bureau County } Term A.D 1859

William Arnett }
vs } Replevin
Peter Savage } Damages \$400.

The Clerk of S. C. Court will
issue a writ of Replevin in said cause for the
property described in the afft. herewith filed—
Feb'y 16th 1859

Slipp & Spaulding Attys
for the plaintiff

Copy of Affidavit

State of Illinois } Circuit Court to the March
Bureau County } Term A.D 1859

William Arnett }
vs } Replevin
Peter Savage }

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The said William Arnett, being duly sworn according to law deposes and says that he is the owner of and not lawfully entitled to the possession of the following goods and Chattels to wit One brown Horse about ten years old of the value of One hundred dollars one black horse of the value of one hundred and twenty five dollars about five years old one two horse wagon of the value of seventy five dollars & One set of double harness of the value of sixteen dollars that said goods and Chattels were wrongfully taken from the possession of him the said Arnett, and are now wrongfully detained from his possession by one Peter Savage. Affiant further says that said goods and Chattels have not nor hath any of them been taken for any tax, assessment or fine by virtue of any law of this State nor have they or any of them been seized under any Execution or attachment against the goods and Chattels of him the said Arnett, liable to Execution or attachment

Subscribed & Sworn to before me

this 16th day of February A.D. 1859

E. W. Fisher Clerk

William Arnett

Copy of Writ
~~Ex parte~~

State of Illinois } The People of the State of Illinois
 Bureau County } ss. To the Sheriff of said County greeting
 If William Arnett shall give you
 Bond and sufficient security to prosecute his Suit

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to effect and without delay and to make return of the following goods and chattels the property of him the said William Arnett to wit One Iron Horse about ten years old of the value of One hundred dollars, One black Horse of the value of One hundred and twenty five dollars about five years old One two horse wagon of the value of Seventy five dollars One set of double harness of the value of Sixteen dollars which one Peter Savage wrongfully took & wrongfully and unlawfully ^{detains} against gauges and pledges as he saith. if the return thereof shall be awarded and further to save and keep you harmless in replevying said goods and chattels aforesaid then you are to cause the said goods and chattels to be delivered to the said William Arnett without delay and to summon the said Peter Savage to be and appear before our Circuit Court within and for said County on the first day of the next term thereof to be holden at the Court House in Princeton in said County on the second monday in the month of March next then and there to answer the plaint of the said William Arnett for the wrongfully taking and unlawfully and wrongfully detaining the goods and chattels aforesaid to the damage of the said plaintiff as he says in the sum of four hundred dollars and make due return of the bond to be taken from the said Plaintiff as aforesaid to the Clerk of our said Court together with this writ with an endorsement thereon as to the manner in which

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to effect and without delay and to make return of the following goods and chattels the property of him the said William Arnett to wit One Iron Horse about ten years old of the value of One hundred dollars, One black Horse of the value of One hundred and twenty five dollars about five years old One two horse wagon of the value of Seventy five dollars One set of double harness of the value of Sixteen dollars which one Peter Savage wrongfully took & wrongfully and unlawfully ^{detains} against gauges and pledges as he saith. if the return thereof shall be awarded and further to save and keep you harmless in replevying said goods and chattels aforesaid then you are to cause the said goods and chattels to be delivered to the said William Arnett without delay and to summon the said Peter Savage to be and appear before our Circuit Court within and for said County on the first day of the next term thereof to be holden at the Court House in Princeton in said County on the second monday in the month of March next then and there to answer the plaint of the said William Arnett for the wrongfully taking and unlawfully and wrongfully detaining the goods and chattels aforesaid to the damage of the said plaintiff as he says in the sum of four hundred dollars and make due return of the bond to be taken from the said Plaintiff as aforesaid to the Clerk of our said Court together with this writ with an endorsement thereon as to the manner in which

4 you may have executed the same

(Seal)

Witness Edward M. Fisher Clerk of our
Said Circuit Court and the Seal thereof
at Princeton in Said County this 16th
day of February in the Year of our Lord
One thousand Eight hundred and Fifty
nine

Edward M. Fisher Clerk

Copy of Endorsement

"I have executed this writ by delivering the pro-
perty named therein to the within named William
Arnet by his agent

J. E. Norton Sheriff Bu Co Ill
per J. P. Whetzel Deputy

And on the 4th day of March A. D. 1859 the said
complainant by his Solicitors aforesaid duly filed
his declaration by him then and there declared
upon in the words & figures following to wit.

State of Illinois } In the Circuit Court of said
Bureau County } ss. County to the March term A. D. 1859

William Arnet,

vs

Peter Sarge

The State of Illinois Bureau
County ss. William Arnet by Stipp & Spaulding

his attorneys complains of Peter Savage in a
plea of Replevin for that the defendant heretofore
to wit on the tenth day of February in the Year
of our Lord, Eighteen hundred and fifty nine at
the County of Bureau aforesaid wrongfully and
unjustly detained in his possession and from
the plaintiff the following goods and chattles
of the Plaintiff and until the same were reple-
ved by the writ of Replevin issued herein to
wit One brown Horse about ten years old of
the value of one hundred dollars one black horse
of the value of One hundred and twenty five
dollars about five years old, One two horse ~~wagon~~
wagon of the value of seventy five dollars and
one set of double harness of the value of sixteen
dollars to the damage of the plaintiff of four
hundred dollars and thereupon he Sues V.

By Stipp & Spaulding
his Attorneys

Read before the Honble. M. E. Hollister Judge
of the ninth Judicial Circuit of the State of
Illinois at the March term of said Circuit
Court in and for the County of Bureau begun
and held at the Court House in Princeton in said
County on the second monday in the month of
March in the Year of our Lord One thousand Eight
hundred and fifty nine

Present Honble. M. E. Hollister Judge
J. M. Fisher Clerk
L. E. Norton Sheriff
Wm. Bustard States attorney

6 William Arnett,

vs

Replevin

Peter Savage

Now comes the said defendant
by Taylor & Phelps his attorneys and files his
pleas in answer to the declaration of the said
plaintiff filed herein in the words and figures
following to wit

State of Illinois }
Bureau County } ss.

In Circuit Court
March Term A.D. 1859

William Arnett,

vs

Replevin

Peter Savage

And the said defendant comes
and defends &c. and says that he does not wrongfully
detain the goods and chattels in the declaration
mentioned or any part thereof in manner and
form as therein alleged and of this he puts him-
self upon the Country &c.

Taylor & Phelps attos for deft

And the Plaintiff doth the like

Steph. Spaulding & Welch for dft

And the said defendant for a further
plea in this behalf by leave &c. comes and says
that the said goods & Chattels in the said de-
claration plaintiff ought not to have his aforesaid

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action against him because he says that the said
goods and Chattels in the said declaration men-
tioned at the said time when V^c were the property
of the defendant and not of the Plaintiff, and
this he is ready to verify, wherefore he prays judg-
ment if the said plaintiff ought to have his
aforesaid action thereof against him V^c.

Taylor & Phelps attos for deft

And the Plaintiff says the said goods and
Chattels are not the property of the defendant
as in said L^d plea alleged and this he prays may
be Enquired of by the Country V^c, & the deft doth
the like

Taylor & Phelps for deft.

Plead before the Hon^{ble} Mr. E. Hollister Judge
of the ninth Judicial Circuit of the State of
Illinois, at the September term of the said Cir-
cuit Court begun and held at the Court House
in Princeton in and for the County of Bureau
on the third monday in the month of September
in the Year of our Lord One thousand Eight
hundred and fifty nine

Present Hon^{ble} Mr. E. Hollister Judge

E. M. Fisher Clerk

D. E. Norton Sheriff

W. Bushnell States atty

8 William Arnett
vs
Peter Savage

Replevin
To wit Oct. 14th being the 14th day of
said Term

Now comes the said plaintiff by Stepp
and Sparling his attorneys and the said defendant
comes by Taylor & Phelps his attorneys and upon
motion leave is given said plaintiff to substitute
J. H. Patrick as security upon the Replevin
Bond in place and stead of Cassell M^c Roy
which is accordingly done and this cause now
coming on for trial the Court orders that a
Jury be impanelled to try the issues herein.
and a Jury comes of twelve good and lawful
men to wit. Isaac Hughes, Thomas Berne, James
M. Curtis, Josiah Barnard, Henry A. Morgan,
Isaac Cutford, William Steely, Charles Whaler,
A. S. Dodge, Charles Palmer, Shepherd Masters &
Nelson Shifflet who are duly elected tried and
sworn well and truly to try this cause and a
true verdict render according to the Evidence

William Arnett
vs
Peter Savage

Replevin
To wit on the 15th day

Now comes the said parties
by their attorneys aforesaid and the Jury aforesaid
and said Jury upon their oaths say "We of the
Jury do find the said property Replevied herein

9 in the defendant and not in the said Plaintiff
and the said plaintiff by his said attorneys enters
his motion for a new trial herein

William Arnett

vs

Replevin

Peter Savage

To wit on the 23rd day

Now comes the said parties
by their attorneys aforesaid and the Court being
fully advised in the premises considers that said
motion for a new trial herein be overruled. It is
therefore further considered by the Court that
the said defendant have and recover of the said
Plaintiff all his costs and charges by him in
his defense herein expended and that he have
execution therefor.

William Arnett

vs

Replevin

Peter Savage

To wit on the 24th day

Now comes the said parties by
their attorneys aforesaid, and by agreement and
upon motion. It is considered by the Court that
the said Plaintiff have until November 6th the
next to settle and file his bill of Exceptions
herein, and upon further motion an appeal to
the Supreme Court of this State is allowed
upon said plaintiff entering into Bond to the
said defendant in the penal sum of five hundred

10. due dollars with Jeremiah Patrick as his security said bond to be filed by ^{or} on the tenth day of November next.

Copy of Appeal Bond

Know all men by these presents that we William Arnet and Jeremiah H. Patrick of the County of Bureau and State of Illinois are held and firmly bound unto Peter Savage of the same County in the penal sum of five hundred dollars for the payment of which with and truly to be made we bind ourselves our heirs Executors and administrators jointly severally and firmly by these presents witness our hands and seals this 21.st day of October A.D. 1859

The condition of this obligation is such that whereas at the September term of the Circuit Court in and for the County of Bureau and State of Illinois the said Peter Savage recovered a Judgment in an action of Replevin against the said William Arnet, in which action of Replevin the said Arnet is plaintiff and the said Savage is defendant which Judgment is that the property replevied in said suit be returned and also for damages and costs from which judgment the said William Arnet has taken an appeal to the Supreme Court of the State of Illinois Now if the said Arnet shall perform and pay the said

11 Judgment interest costs and damages in said
cause in case the said Judgment shall be af-
firmed by the said Supreme Court and shall
also duly prosecute the said appeal then this
Bond shall be void otherwise in force

William Amett (Seal)
Jeremiah H. Patrick (Seal)

State of Illinois } ss.
Bureau County }

I Edward M. Fisher Clerk of the
Circuit Court within and for said County in the
State aforesaid do hereby certify that the above
and foregoing is a true and perfect transcript
of all the proceedings in the above Entitled cause
as the same appear on file and of Record in
my Office

In Testimony whereof I hereunto set
my hand and affix the seal of said
Court at Princeton in said County this
11th day of April in the Year of our
Lord one thousand Eight hundred and
Sixty Edward M. Fisher Clerk
per J. M. Hall Jenkins Dep. Clerk

Clerk's Fee Copy of Transcript \$2.65

Certificate seal 35

\$3.00

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Williams Arnett

~~Ed.~~
Peter Savage

certified transcript of
Record from

Bureau County Illinois

Wm Arnett

vs

Savage

Filed Apr. 20. 1860
L. Seland

Clk.

13025

For. Sec. Clk.