

8813

No. _____

Supreme Court of Illinois

People

vs.

John Walsh

Pleas held before the Honorable
Wm A Underwood Presiding Judge
of the Second Judicial Circuit
Court at the September Term
of the Randolph Circuit Court
in the year of our Lord One
Thousand Eight hundred and
fifty,

The People of the State of Illinois }
vs } On Appeal
John Walsh Appellant }

And now on the 3^d day of September A.D. 1850
the following Transcript of the Justice of the
Peace was filed in words and figures following to
wit

State of Illinois }
Randolph County } ss

J. James M. Halls

Clerk of the Circuit Court within & for said
County, do hereby Certify, that the above copy
of the Records of the Circuit Court of said County,
contains correct copies of all the papers and
orders, directed by the Defendant to be made out
by him, as appears from the Records in my
Office

In testimony whereof I hereto
set my hand and affix the seal
of said Court at Office on
October this 30th day of October 1850
James M. Halls Clerk Circuit
By J. H. Hamilton Deputy Clerk



Assault and Battery

on the fourth day of July 1850. a warrant issued against James Walsh and his son John Walsh, for an assault and battery, committed in the person of Wm. H. Justice, near the Town of Evansville in Randolph County on the third day of July 1850, upon the oath of said Justice, and also subpoenas issued for Dr B. P. Simmons, V. G., Heinrich, Edward McHenry, James A. Mudd, Wm. S. Wilson & Cadwell Evans, when the defendant James Walsh appeared he requested a subpoena for Daniel Murphy which was issued, the defend James Walsh requested a change of venue, and made affidavit that he could not have an impartial trial, therefore a change of venue was granted, & at his request the documents was transmitted Isaac Nelson J. P., on the 23^d of Augt Wm. S. Wilson Court apprehended John Walsh and brought him into Court. he demanded his trial, but was remanded until a Jury & the witnesses could be present, a Jury warrant being issued, and subpoenas for James A. Mudd, Hugh H. Barker, Wm. W. Justice, V. G. Heinrich, C. Evans & Dr B. P. Simmons on the 31st of Augt the defendant appeared, & by his attorney Colm Johnson, requested James Sanagan Esqr to preside, who being in Town, & condemned to do so. E. Eccles J. P. after hearing the evidence Jury returned a verdict for the Plaintiff, Ten Dollars and costs and cost of suit Given under my hand and seal this 31st day of Augt 1850 James Sanagan J. P. (seal)

James A. Mudd claimed his attendance, I was also sworn as a witness & claimed attendance, on the second day of Sept the defendant John Walsh, demanded a Transcript which was given

Edmo Eccles J. P.

State of Illinois }
Randolph County } I do certify that the foregoing is
a correct Transcript of the proceedings of the within
entitled Cause, as Recorded on my docket, as witness
My hand & seal this 2nd day of Sept A.D. 1850 in the
Town of Evansville, Command Eccles (Seal)
Justice of the Peace

Copy of Record
The People of the State of Illinois
vs } appeal from Justice of the Peace
John Walsh }

now on this day comes the Said Plaintiff
by Touke their attorney, and the defendant by Johnson
his attorney, and the Said Plaintiff's attorney enters his
motion to dismiss this appeal, and the Court being fully advised
of and concerning the Said motion. It is considered by the Court
that Said motion be allowed. It is therefore ordered by the
Court that Said appeal be dismissed, and that a Proceudo
be issued to the Justice of the Peace, before whom the Said
appeal was taken, and that Said Plaintiff recover of and
from the Said defendant, their Costs and Charges in and
about their suit in this behalf expended, and may have
Execution therefor &c

State of Illinois, ss
Randolph County } of the September Term 1850 of the
Circuit Court of Randolph County
People vs }
John Walsh } On appeal.

Be it Remembered that when this Cause
was called for trial the said People of the State of Illinois,
by the State attorney Phillip B. Soule, moved to dismiss the said
Cause upon the ground that the appeal Bond in said Cause
was insufficient, which motion was sustained by the Circuit
Judge presiding at said Circuit Court. To which opinion
of the Court the defendant John Walsh, then and there
excepted by his counsel, and that the said defendant
John Walsh, then and there moved the Judge of the said
Circuit Court for leave to amend the said appeal Bond, or
to file a new Bond in the said case, which motion was
then and there refused and denied by the said Circuit Court,
and to which said opinion the defendant now excepts
severally, and prays the Court to sign and seal this his bill
of exceptions, and make it a part of the Record in this
case, which is done.

Wm H. Underwood (Read)

And now on the 23^d day of September AD 1850 it
being the first day of the September Term of the
Randolph Circuit Court the following order was
entered to wit

The People of the State of Illinois

^{vs}
John Walsh

} Appeal from
Justice of the Peace

Now on this day comes the said
Plaintiffs by Senke their Attorney, And the defend-
ant by Johnson his Attorney, And the said
Plaintiffs Attorney enters his motion to dismiss
this appeal, And the Court being fully advised
of and concerning the said motion, It is Cons-
idered by the Court that said motion be allowed
It is Therefore ordered by the Court, that said
Appeal be dismissed, And that a Process be
issued to the Justice of the Peace, before whom
the said appeal was taken, And that said
Plaintiff recover of and from the said Defendant
their Costs and Charges in And about their
suit in this behalf expended And may
have execution therefor &c

And the said Defendants Counsel thereupon files
his bill of exceptions, which is in words and figures
following to wit

Mr. Joseph W.

no }

John Walsh

Filed the 13th day
November, A.D.
1850

F. D. Preston

CLK

Refused

to

8813

KNOW ALL MEN BY THESE PRESENTS, THAT WE

John Walsh and James Walsh
are held and firmly bound unto the people of the State of Illinois
in the penal sum of forty two dollars, current money
of the United States, for the payment of which well and truly to be made, we bind our-
selves, our heirs and administrators, jointly, severally and firmly by these presents.

Witness our hands and seals, this third day of September
A. D. 1850 .

The Condition of the above obligation is such, That whereas the said People
of the State of Illinois
did, on the 31st day of August A. D. 1850 .
before James Lonerhan a Justice of the Peace for
the County of Randolph recover a judgment against the above bound
John Walsh for the sum of forty
two dollars, from which judgment the said John
Walsh hath taken an appeal to the Circuit Court of the County
of Randolph aforesaid, and State of Illinois.

NOW if the said John Walsh
shall prosecute his said appeal with effect, and shall pay the said debt and costs, in case
the said judgment shall be affirmed, dismissed or adjudged against him on the trial
thereof, in the said Circuit Court, then the above obligation to be void, otherwise to re-
main in full force and effect.

John Walsh
James Walsh



Taken and entered into before me, at
my office, this 3^d day of
Sept 1850 .

Test

J. M. Tall

Clerk.

J. F. HANNA, PRINTER.