

No. 14154

Supreme Court of Illinois

Elliott

vs.

Sneed.

The said Wickersham after the collection of the money afore
said out an attachment against Sneed as his surety and rendered
Judgment against said Renalds and garnished the said Duff constable
which said papers and the execution were placed in the hands of said
Sneed an acting Constable who collected from said Duff Twenty
Eight Dollars the money collected from Elliott in favor of the
said Renalds) On the attachment the Judgment of Wickersham
against Renalds was assigned by Wickersham to Elliott to whom
he was indebted which last execution issued to Sneed on some Judgment
in the name of Elliott —

Elliott drew an order on Peter Green of ~~was~~ Sneed
plaintiff in favor of Peter Green for the money collected
from Duff Garneshee of Renalds afore said upon which order Green
received ^{from Sneed} the plaintiff in this suit twenty five Dollars in paper money
which said Green paid to the credit of Elliott — after which the
Judgment on the attachment appeared was renewed in the Clay
Circuit Court for the want of jurisdiction in the Justice of the Peace
Renalds then sued Duff and Compelled him to pay the amount
collected from Elliott as appeared — after which Duff sued Sneed
and Compelled him to pay over the money collected from Duff
as garneshee of Renalds by Sneed as constable as appeared — Then
Sneed brings the present suit to recover the amount paid over
by him to the order of Elliott as before said to Peter Green —
and also that the evidence is insufficient for the plaintiff to
recover Judgment — which objection is over ruled and Judgment
entered for plaintiff to which defendant excepts and prays that his
Bill of exceptions to be signed sealed and made a part of the Record which
is done —

J. Hartman

I Certify the foregoing is a Correct Transcript of the Records
on file in this office —

In testimony thereof I have affixed
the seal of the Clay Circuit Court
at Maysville Ind. this 1st day of
May A.D. 1835

Amaziah Peck Clerk

State of Illinois }
 Clay County }
 The people of the state of Illinois to any
 Constable of said county Greeting
 You are hereby commanded to summon Thomas Elliott
 to appear before me at Maysville on the sixth day of Sept 1837
 at one o'clock to answer due complaint of William Freed in a plea
 of assumpsit and failure to pay him in said plea a sum not ex-
 ceeding one hundred dollars - and there of make returns as the law
 directs - Given under my hand & seal this 30th August
 A.D. 1837 } J. L. Thompson J.

William Freed }
 vs }
 Thomas Elliott } Appeal
 At this day came the par-
 ties by their counsel after the testimony being heard and
 argument had - It is ordered adjudged and decreed by the court
 here that the Judgement of the Justice of the Peace be affir-
 med for the sum of Twenty five dollars and costs - There-
 fore it is considered adjudged and decreed that the plaintiff recover
 of the defendant the said sum of Twenty five dollars to gether
 his costs about his in this behalf as well before the Justice
 of the Peace as in this court expended - and there of have exe-
 cution &c - And the defendant tendered his bill of exceptions
 to the opinion of the court which is signed sealed and a part
 of the Record - And the defendant also prayed an Appeal which
 is allowed on condition that he enter in to bond with J. B. Thompson
 his security according to law within Thirty days from this date in
 the sum of one hundred dollars -

William Freed }
 vs }
 Thomas Elliott } Appeal from Justice of the Peace
 Clay Circuit Court
 Be it Remembered that on the trial of this cause
 the plaintiff proved that Hugh Renalds in 1832 obtained a judgment
 against Thomas Elliott before J. L. Wickersham Justice of the Peace
 Elliott paid the Judgment to Wickersham as Justice of the
 Peace and no execution issued - At the March term of the
 Clay Circuit Court 1838 - a Writ was issued requiring Wick-
 ersham to issue an execution in favor of Renalds - Where upon
 an execution on said Judgment by said Justice and was
 placed in the hands of Nathaniel Duff ~~at that time~~
 Constable and the money was collected ^{by him} from said Elliott

by the 15th rule to assign errors

Way County

Thomas Elliott

vs { Appeal

William Reed

	16	
Tot	16	
15		16
2.48		15
	10	80
	<u>10</u>	
	2.40	

Filed May 8
1838. J. M. Luman

X in 1838

110, 118, 189, 231

14154