

No. 14140

Supreme Court of Illinois

Albert Masseur

vs.

Wm. Radfield

71641  7

Ally Masey, Plff in Error

Errot to Chaw

vs
~~Mr. Padfield, Deft in Error~~

Prerog

This was an action originally brought before a Justice of the Peace against Samuel McCullough and Ally Masey on a note made by McCullough to Anderson W. Petty which note was assigned by Petty to one Samuel Smith by said Smith to Ally Masey and by Ally Masey to Mr. Padfield. Masey alone was served with process in the Justice Court and Judgment rendered ^{in default} against McCullough and Masey. From which Judgment an appeal was taken to the Circuit Court of Clinton County. On the trial of said appeal ^{the} Court ~~below~~ erred in permitting the original summons before the Justice to be amended by striking therefrom the name of McCullough. See 1st Chitty pl page 34 as to misjoinder of parties. See also the Case of Prouningimp with Field vs John & Benjamin Knowen decided Decr Term 1838 S. Ct. The Court also erred in over ruling motion to dismiss and also in refusing to grant a Continuance.

Bond for 500 in error

