

13317

No. \_\_\_\_\_

# Supreme Court of Illinois

Wadsworth & Co.

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vs.

Culton

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At a Term of the Circuit Court, begun and held at the Court House, within and for the County of Tazewell, and State of Illinois, at Pekin, on the first Monday of the Month of June, in the Year of our Lord one Thousand eight hundred & sixty, it being the 6<sup>th</sup> day of said month, Present the Hon James Harriott, Judge of the 21<sup>st</sup> Judicial Circuit of the State of Illinois.

Hugh Fullerton, Prosecuting attorney.  
Thomas C. Reeves, Sheriff. and  
Merrill C. Young, clerk

Among other things the following proceedings were had, to wit:

Wednesday June 8<sup>th</sup> 1860  
Cooley Wadsworth Co } Venue from  
v } Marshall Co  
John W. J. Coulton } In the matter of  
the Petition of  
Coulton for discharge  
under Insolvent act

Now on this day come, as well the Plaintiffs, by their attorney C. M. Wawley, as the Defendant by his attorney Hazard & Fuller. Whereupon came a Jury of twelve good and lawful men, to wit: James Galbraith, William Woodrow, Jacob Dillon, N. G. Nichols, Joseph Scates, Joseph Stewart, Jabez Dainty, S. H. Case

John Taggart, N. S. Penfield, Jesse Black  
 & David K. Moore, duly elected, tried  
 and sworn, who having heard the  
 proofs and allegations of the Parties &  
 argument of Counsel thereon, retired  
 to consider of their verdict.

Thursday June 9<sup>th</sup> 1860

Venue from Marshall Co.  
 Cooley Wadsworth & Co. In the matter of the Petition of John  
 v. John W. J. Culton for a discharge from arrest  
 & imprisonment under the Insolvent  
 Law. —

And now come again the  
 Parties, by their attorneys; and the Jury for  
 verdict say: We the Jury, in the case of Cooley  
 Wadsworth & Co vs John W. J. Culton, on an  
 impartial investigation, do find that the  
 said John W. J. Culton, has acted under his  
 misfortunes, and in all his transactions  
 attendant on his scheduling his assets  
 and liabilities, in an honest, honorable  
 and fair manner, and that the said  
 John W. J. Culton is entitled to his dis-  
 charge under the Statute Law.

Whereupon the Plaintiffs  
 entered their motion for an arrest of  
 judgment and a new trial of this case  
 which motion is overruled by the Court.

And now at this term of the Court, the cause having been submitted to the jury for trial, and the jury having found that the proceedings of the said John W. J. Coulton in making the Schedule of his assets and liabilities acted in an honest, fair and honorable manner, and the same having been entered, the Court does order that E. W. Hazard, Assignee of said Coulton, proceed to sell the property assigned to him, by said Coulton, and to apply the proceeds among the creditors of said Coulton, as they may be entitled to the same.

And the Court does further order, that the proceedings of the County Court of Marshall County, in this Matter, be in all respects affirmed.

And it is also ordered & adjudged by the Court, that the said defendant, John W. J. Coulton, be allowed for all his expenses, and that he recover of and from the said Plaintiffs, Cooley Wadsworth and Company, the costs and charges by him about his defence expended, and that execution issue therefor.

Whereupon the Plaintiffs pray an appeal, which is allowed by the

Court, with Bond to be filed in ninety days and Bill of exceptions as per agreement filed.

Afterwards to wit: on the 13th day of August A.D. 1859. a Bond was filed in the words of figures following to wit:

Know all men by these presents that we, Francis B. Cooley, John V. Farwell, Elisha S. Farwell and J. S. Marsh, the said Marsh being a resident of Tazewell County, Illinois, are held and firmly bound unto John W. J. Coulton in the penal sum of one thousand dollars lawful money of the United States for the payment of which said sum, well and truly to be made, we bind ourselves, our heirs, executors & administrators jointly and severally by these presents.

Sealed with our seals and dated this 30th day of July A.D. 1859

The condition of the above obligation is such, that Whereas the above bounden Francis B. Cooley, John V. Farwell & Elisha S. Marshworth moved an arrest of judgment in a certain cause tried in the Circuit

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Court of Tazewell County in the State of Illinois. Wherein the said Cooley Farwell & Wadsworth were appellants and John W. J. Cutton was an applicant for discharge under the Insolvent Laws at the suit of Lewis S. Skinkley; and whereas the said Applicants have prayed an appeal from the judgment in said Cause to the Supreme Court of this State - Now therefore if the said Cooley Farwell & Wadsworth shall well & truly pay and satisfy the said John W. J. Cutton all such costs in said suit, and such damages as shall be allowed against the said Cooley Farwell & Wadsworth, their heirs, executors or Administrators by reason of wrongfully taking said appeal, then the above obligation to be void, otherwise to remain in full force & effect.

Signed Sealed & delivered in presence of L. G. Suter for Cooley, Farwell & Wadsworth

J. B. Cooley  
 John W. Farwell  
 E. S. Wadsworth  
 J. S. Marsh

Seal  
 Seal  
 Seal  
 Seal

J. S. Marsh signed in presence of G. R. Hornish

Approved August 13<sup>th</sup> 1859  
 James Harriott

State of Illinois } ss  
Tazewell County }

I Merrill C. Young, Clerk  
of the Circuit Court, in and for said  
County & State, do certify that the  
foregoing five pages, contain a true  
and complete copy of the Judgment  
rendered, and of the Bond filed in  
the Cause therein named, as the  
same appears of Record in my  
office.

In Witness whereof I have hereunto  
set my hand and affixed the  
Judicial Seal of said Circuit Court,  
at Pekin this 27th day of April  
A.D. 1860.

Fees \$1.50

Merrill C. Young Clerk

~~290~~ 390  
Cooley Hads worth Co  
v

John W. J. Culton

Certified Copy of  
Judgment Etc

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390

Filed May 12. 1860  
d. Kelam  
Ch.

13817

\$2000 by  
S. D. P.