

12067

No. _____

Supreme Court of Illinois

People

vs.

Johnson, et al

71641  7

State of Illinois
Fourteenth Judicial Circuit
So Daviess County

Appeal from Justice

John G. Potts of said County to the Circuit Court for
said So Daviess County to the term thereof begun
and held on the second Monday in the month of
March A.D. 1852 before the Judge of the said Fourteenth
Judicial Circuit to wit the Hon Benjamin Chilton

The People of the State of Illinois
Judgment Creditors of Charles
Goodlope alias Snyder

vs

Madison Y. Johnson
Enshrod B. Howard

Be it remembered that
heretofore to wit on the 28th day of January A.D. 1852
the said defendant M. Y. Johnson filed in the clerks
office of the Circuit Court for said So Daviess County
an appeal Bond in the matter above entitled which is
in the words and figures following to wit

Know all men by these presents that we Madison
Y. Johnson and George C. Strother are held and
firmly bound unto the people of the State of Illinois

in the penal sum of Fifty Dollars for the payment of which well and truly to be made we bind ourselves and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 20th day of January A.D. 1852.

The Condition of the above obligation is such That - whereas the above named People of the State of Illinois did on the Ninth day of January A.D. 1852 before John C. Potts Esqr a Justice of the Peace for Jo Daviess County recover a judgment against the above named Madison C. Johnson as Garnishee of John Snyder for the sum of Ten Dollars and Six Cent - debt and Costs. from which said judgment the said Madison C. Johnson has prayed for and wishes to appeal to the Circuit Court of Jo Daviess ^{County}. Now if the said Madison C. Johnson shall Prosecute his appeal with effect - and shall pay whatever judgment may be rendered upon dismissal or trial of said appeal then the above obligation to be void otherwise to remain in full force and effect.

Approved
John C. Potts J.P.

Madison C. Johnson *LG*
George C. Brodner *ES*

Filed Jan'y 28th 1852

Wm. Bradley Clerk

And on the same day to wit on the 28th day of January A.D. 1852 the said John C. Potts Justice in and for said County. filed in said Circuit Court with the clerk thereof all the following original pa-

pers appertaining to Said above entitled
cause to wit. In the words and figures follow-
ing to wit-

The People of the State of Illinois	2	Garnishes for
Judgment creditors of Chas Goodlope	2	proceeding on ju-
alias Snyder	3	dgment rendered
As	3	Against defen-
Madison G Johnson & Bushrod B	2	dant Goodlope
Howard Garnishes of said Goodlope	3	alias Snyder
alias Snyder	3	23 rd September 1850
		before me for \$5. fine

and costs amounting together \$8⁴/₁₀₀
1852 January 7th An affidavit filed of Wm B Goss gar-
nisher sworn issued to said Johnson & Howard

Returned served by reading to said John-
son & Howard at 1/2 past 10 o'clock Jan'y 7th 1852
Goss Cost fees \$1.00 Said Wm B Johnson by his attorney
filed his motion to quash the garnisher proceeding
against him in this case. And now on this 7th day
of January 1852 the said Wm B Johnson appears before
me. and by suggestion of the Justice and by consent
and agreement of said Johnson with the attorney
of the plaintiffs the venue is changed to the offi-
ce of Justice Potts to be tried by and before him &
the 9th inst at 9 o'clock AM is the time agreed up-
on as aforesaid for taking the same and the
papers in the case are transmitted to said
Justice Potts for that purpose

Justice East-herin 18th 1/2

Goss

1.00
\$ 18 7 1/2

The undersigned Justice of the Peace in and for said County do certify that the foregoing transcript and papers therewith contain a full and perfect statement of the proceedings in said case before me

Witness my hand and seal this 8 January Ad 1852

Wm C Postwick J P Seal

Indorsed, Filed January 28th 1852

Wm B Bradley Clerk

Transcript from Docket of John G Potts Esq
as follows to wit

No 1

The people of the
State of Illinois

Judgment Creditors
of Chas Goodlope
alias Snyder

Madison G Johnson & Bushrod B Howard
Carnashus of said Goodlope alias Snyder

Change of Venue from
Justice Postwick Jan 9, 1852
Carnashus Case

The transcript and papers in the above case having been duly placed in my possession for the trial of said case, Madison G Johnson one of the parties appeared before me this day S. M. Wilson Esq for the people & Wm Johnson the Deft B B Howard absent. It was agreed by and between the parties that the decision of this case No 1 shall determine all the others as to M. G. Johnson

The parties being ready for trial the counsel for the Deft made a motion to Quash the Writ

Which motion was overruled by the court and Defendant required to answer, after which the defendant failed to enter any further appearance or to answer whereupon Judgment is rendered in favour of Plaintiff for \$10⁶⁸/₁₀₀ the amount of fine and costs before Esqr Bastwick and 62¹/₂ cents before me Total amount \$10⁶⁸/₁₀₀ the other cases as per agreement are docketed as below

Appeal taken & Bond filed Aug 20th 1852

No 2

The Same

vs

Same

Judgment rendered in favour of Plaintiff
Aug 9th 1852 Judgment & Cost \$10⁶⁸/₁₀₀

No 3

The Same

vs

Same

Judgment rendered in favour of Plaintiff
Aug 9. 1852 Judgment & Cost \$10⁶⁸/₁₀₀

No 4

The Same

vs

Same

Aug 9. 1852 Judgment rendered in favour
of Plff. Judgment & Cost \$10⁶⁸/₁₀₀

No 5

The Same

vs

Same

Aug 9. 1852 Judgment rendered in favour
of Plff Judgment & Cost \$10⁶⁸/₁₀₀

No 6

The Same

vs

Same

January 9. 1852 Judgment rendered in favour of
Plff Judgment & Costs \$10⁶⁸/₁₀₀

No. 7

The Same

vs

Same

January 9th 1852 Judgment rendered in favour
of Plff Judgment & Costs \$10^{68 3/4}/100

No 8

The Same

vs

Same

January 9, 1852 Judgment rendered in favour
of Plff Judgment & Costs \$10^{68 3/4}/100

No 9

The Same

vs

Same

January 9, 1852 Judgment rendered
in favour Plff Judgment and Costs \$10^{68 3/4}/100

No 10

The Same

vs

Same

January 9, 1852 Judgment rendered in
favour of Plff Judgment & Costs \$10^{68 3/4}/100

And now on the 26th day of January 1852 comes said
Defendant & files Bond and takes an appeal to
the Circuit Court

State of Illinois

and
Jadwisp County

vs
J. S. John G. Potts a Justice
of the Peace in and for Said

County do certify that the foregoing is a correct
and true Transcript from my Docket and that
the Said Transcript & Paper annexed contain a full
and Perfect Statement of the Proceedings in said
Cases before me

Witness my hand and Seal this 27th
John G. Potts J.P. Seal

(27) day of January AD 1852

Condensed Filed Jan'y 28. 1852

Wm. A. Bradley Clerk

The Affidavit in Court below as follows to wit

State of Illinois Jo Daviess County

The people of the State of Illinois
Judgment creditors of Chas Goodlope
alias Snyder vs
Judgt for 3rd September
23^d 1850 \$5 & costs
Minors. 43
100

Madison G Johnson & Bashrod Howard
garnishee of said Goodlope alias Snyder
Ex Returned no property found

I Wm. B. Goss do solemnly swear that said defend-
ant Goodlope alias Snyder has no property within my
knowledge in his possession liable to execution and that
I have just reason to believe that Madison G Johnson
and Bashrod Howard have sundry property effects
or choses in action in their possession or power belonging
to the said defendant Goodlope alias Snyder

Subscribed and sworn to before me at my office in
said County this 7th day of January, 1852. Wm B Goss

Wm C Bushwick, J P.

Also the execution in Court below as follows to wit

State of Illinois

Jo Daviess County

The people of the State of Illinois to my constable of said
County Greeting

We hereby command you that of the
goods and Chattels of Charles Goodlope alias Snyder
in your County you make the sum of \$5 Dollars ^{and}
^{cents} and no Dollars and 62 1/2 cents cost, which the
People of the State of Illinois lately recovered ^{before me in a certain plea} against

the said Goodlope Alias Snyder. and hereof
make due return to me within Seventy days
from this date Given under my hand and

Seal this 21st day of August 1851

Wm C Postwick J P

Came to hand August - 22nd 1851 at 10 O'clock AM

Demand \$5.00
Justice Cost 62 1/2
Const. Cost 50

W B Goss Const

Returned no property found August - 22nd 1851

W B Goss Constable

Also the summons in Court below as follows to wit

State of Illinois

Davidson County

The people of the State of Illinois to my Constable
in said County Greeting, You are hereby commanded to se-
mmon M. G. Johnson & B B Howard to appear
forthwith before me at my office in Galena as
* Garnash to show cause if any they have why
judgment should not be entered against them
for the sum of \$9 Dollars and 81 Cents the amount
of a judgment and costs lately obtained before me
by the People of the State of Illinois Plaintiffs
and against Chad Goodlope Alias Snyder the
defendant and hereof make ^{due} return as the law
directs. Given under my hand and Seal 7th day June
1852

Demand \$9.81
Justice Cost 62 1/2
Const. Cost

Wm C Postwick J P

State of Illinois

Davidson County

The People of the State of Illinois
to any Constable of said County; Greeting

You are hereby commanded to summon B. B. Howard

* Served by reading to the within named M. G. Johnson and B B Howard
at the post office at M. June 7th 1852
W B Goss Const

& M. G. Johnson to appear forthwith before me at my
office in Galena as Garnashers to show cause if any
they have why judgment should not be entered against
them for the sum of \$9 dollars and 81 cents the
amount of a judgment and costs lately obtained
before me by the People of the State of Illinois plain-
tiffs, against Cha's Goodlope alias Snyder and
himself make due return as the law directs

Given under my hand and Seal this 7th day of January 1852

Demand \$9.81
Cost 1.00

Wm C Postwick J. P. & C.

Served by reading to the within named
M. G. Johnson and B. B. Howard this 7th day of
January 1852 at 1/2 past 10 o'clock A.M.

W. B. Goss Const.

State of Illinois }
J. Davie's County }

The People of the State of Illinois, to any
Constable of said County Greeting

You are hereby commanded
to summon M. G. Johnson & B. B. Howard to
appear ^{forthwith} before me at my office in Galena as Garnashers
to show cause if any they have why judgment should not
be entered against them for the sum of \$9 dollars and 81 cen-
ts the amount of a judgment and costs lately obtained
before me by The People of the State of Illinois plaintiffs and
against Cha's Goodlope alias Snyder defendant and hereby
make due return as the law directs Given under my
hand and Seal this 7th day of January 1852

Demand \$9.81
Cost 1.00

Wm C Postwick J. P. & C.

Served by reading to the within named M. G. Johnson
and B. B. Howard at 1/2 past 10 o'clock A.M. Jan 7th 1852

W. B. Goss, Const.

State of Illinois
Jo Daviess County

The People of the State of Illinois to any Constable
of said County Greeting. You are hereby Commun-
ded to summon M. V. Johnson & B. B. Howard to
appear forthwith before me at my office in Galena
as Garnashies to show cause if any they have why
judgment should not be entered against them
for the sum of \$9 dollars and 81 cents the amount
of a judgment and costs lately obtained before
me by the people of the State of Illinois plaintiffs
and against Chas. Goodlope alias Snyder defend-
ants and hereof make due return as the law di-
rects Given under my hand and Seal this 7th
day of January 1852

*Demanded &
Costs - 11, 00*

Wm C Boatwrick J.P.

Served by Reading^{to} the within named M. V.
Johnson and B. B. Howard at $\frac{1}{2}$ past 10 o'clock
A.M. this 7th day of January 1852

W B Gops, Const.

State of Illinois
Jo Daviess County

The People of the State of Illi-
nois to any Constable of said
County Greeting. You are hereby commanded
to summon M. V. Johnson & B. B. Howard to ap-
pear forthwith before me at my office in Galena
as Garnashies to show cause if any they have
why judgment should not be entered against them
for the sum of \$9 dollars and 81 cents the amount
of a judgment and costs lately obtained before
me by the People of the State of Illinois plaintiffs
and against Chas. Goodlope alias Snyder defendants
and hereof make due return as the law directs

Given under my hand and Seal 7th day Jan'y 1852
^{Demand \$9.81}
^{Cost 1.00} W. C. Bostwick J.P. Seal
Served by reading to the within named
M. G. Johnson & B. B. Howard at 1/2 past 10 O'clock A.M. 1852
W. B. Goff, Const

State of Illinois }
Jo Daviess County } The People of the State of Illinois
to my Constable of said County Greeting
You are hereby commanded to summon M. G.
Johnson & B. B. Howard to appear forthwith before
me at my office in Galena as Garnashers to show
cause if any they have why Judgment should not
be entered against them for the sum of \$9. Dollars
and 81 cents the amount of a judgment and
cost lately obtained before me by the People of the
State of Illinois Plaintiffs and against Chas Goodhope
alias Snyder defendant and hereof make due re-
turn as the law directs Given under my hand
and Seal 7th January 1852
^{Demand \$9.81}
^{Cost 1.00} W. C. Bostwick J.P. Seal

^{by reading to}
Served the within named M. G. Johnson and
B. B. Howard at 10 1/2 O'clock A.M. 1852

W. B. Goff Const

State of Illinois }
Jo Daviess County } The People of the State of Illinois
to my Constable of said County Greeting
You are hereby commanded to summon M. G. Jo-
hinson and B. B. Howard to appear forthwith
before me at my office in Galena as Garnashers to
show Cause if any they have why judgment should
not be entered against them for the sum of \$9 do-
llars and 81 cents the amount of a judgment and

costs lately obtained before me by the People of the State
of Illinois plaintiff and against Ch^s Goodlope
alias Snyder defendant and hereof make due
return as the law directs

Given under my hand and Seal this 7th day of
January 1852
Demand \$9.81
Const. cost 1.00
W. B. Postwick J. P. & C.

Served by reading to the within named M. G. John-
son and B. B. Howard at 1/2 past 10 O'clock A.M. 1852
W. B. Goss Const.

State of Illinois }
Jodavies County } The People of the State of Illinois
to any Constable of said County Greeting
You are hereby commanded to Summon M. G. John-
son & B. B. Howard to appear forthwith before me
at my office in Galena as ~~the~~ Garnishee to show cause if
any they have why judgment should not be entered
against them for the sum of \$9 dollars and 81 cents
the amount of a judgment and costs lately obtained
before me by the people of the State of Illinois Plaintiff
against Ch^s Goodlope alias Snyder defendant
and hereof make due return as the law directs

Given under my hand and seal 7th day Jan'y 1852
Demand \$9.81
Const. cost 1.00
W. B. Postwick J. P. & C.
Served By reading to the within named
M. G. Johnson and B. B. Howard at 1/2 past 10 O'clock
A.M. 1852
W. B. Goss Const.

State of Illinois }
Jodavies County } The People of the State of Illinois
to any Constable of said County Greeting
You are hereby commanded to Summon M. G. Johnson
& B. B. Howard to appear forthwith before me at my

Office in Galena as Garnashues to show cause if any
they have why judgment should not be entered aga-
inst them for the sum of \$9 dollars and 81 cents the
Amount of a judgment and costs lately obtained before
me by the People of the State of Illinois Plaintiff and
against Chas Goodlope, Alias Snyder defendant and
hereof make due return as the law directs
Given under my hand and Seal this 7th day of Jan. 1852
W. C. Postwick, J. P.

^{Demand \$9.81}
^{Costs 1.00}
Served by reading to the within named M. G. Johnson
and B. B. Howard at 1/2 past 10 O'clock A. M. Jan 7th 1852
W. B. Goff 3 Const

State of Illinois

J. Davis County The people of the State of Illinois
To any constable of said County Greeting

You are hereby commanded to summon M. G.
Johnson & B. B. Howard to appear forthwith be-
fore me at my office in Galena as Garnashues to show
cause if any they have why judgment should not be
entered against them for the sum \$9 dollars and
81 cents the Amount of a judgment and costs lately
obtained before me by the People of the State of Illinois
plaintiff and against Chas Goodlope Alias Snyder
defendant and hereof make due return as the law
directs Given under my hand and Seal 7th
day of January 1852 W. C. Postwick, J. P.

^{Demand \$9.81}
^{Costs 1.00}

Served by reading to the within named
M. G. Johnson and B. B. Howard at 1/2 past 10, O
clock A. M. Jan 7th 1852

W. B. Goff 3 Const

And now came on to be heard the motion of the defendant by his Attorney made in the Court below and renewed in this Court to dismiss this ~~suit~~ suit because the summons issued by the justice was made returnable forthwith which after argument by Counsel is overruled by the Court to which decision of the Court the defendant by his Attorney excepts.

And afterwards to wit on the 12th day of March in said March term A.D. 1852 of said Court the said defendant Johnson filed in open Court with the clerk thereof his answer in the words and figures following to wit.

The People of the State of Illinois }
Judgment creditors of }
Charles Goodlope alias Snyder }
vs }
Madison Y Johnson and }
Bushrod B Howard }
Garnashes of said Goodlope }
alias Snyder }

In the Circuit Court
March Term
A.D. 1852

And the said Madison Y. Johnson who has been summoned with the said Bushrod B Howard as Garnashes of the said Charles Goodlope alias Snyder, after being duly sworn makes oath and states and answering that he was summoned jointly with B. B. Howard on the 7th day of January A.D. 1852 before Wm C Bastwick Esq to show cause if any he had why judgment should not be entered against us. Comes and makes answer & states

That at the time of the Garnashee summons on him in this case, nor at any time since, was this affiant jointly with the said B B Howard indebted to the said ^{Charles} Goodlope alias Snyder in any amount of money whatever neither did he hold jointly with the said Howard any money, property, rights, credits, or effects belonging to the said Goodlope alias Snyder. This affiant further states that sometime in the month of October, A.D. 1851 the said Snyder being about to leave the city of Galena, and having money and some trinkets, and jewelry in the hands of Wm B Bradley, claimed by said Snyder to have been taken from him by force and against his will by one Cozzens and deposited with said Bradley constituted this affiant his attorney in fact to sue for, collect and receive said money, and property so taken from him, and when said money was received this affiant was to deduct the amount of his fees and claim against the said Snyder and to pay certain debts named by said Snyder to Thompson Campbell, B B Howard Dr Jones and John Dyers, and the residue of said money after paying said debts was to be paid to his half Brother in St Louis all of which payments your affiant assumed to make when said money should come into his hands. the same being assigned & received for the benefit of the persons ^{herein named} your affiant states that under the arrangement aforesaid Mr Bradley did pay over to this affiant on the same day and before the Garnashee summons

was served on him the sum of Four hundred and Seven Dollars ²⁵ for being the balance due from Mr Bradley after the payment made by him to the said Campbell Jones and Howard and within Sixty Dollars of the whole amount of the claim of said Snyder against said Bradley. Your affiant stated he received said money under the arrangement aforesaid and for these particular creditors or persons named, and assumed to pay said money to them when the same should come into his hands, which he insists he had a right to do. Your affiant further answers that at the same time he received said money he received some trinkets and jewelry from Mr Bradley, as the property of said Snyder which remains the property of said Snyder and is here produced in Court and delivered to the Clerk, this being all the property rights, credits, and effects of every name and kind in my hands at the service of said Garnashue process on me ^{or} at any time since belonging to the said Snyder, and that this affiant has not now neither has he had since the service of said Garnashue on him, any money, property rights, credits, or effects, to be paid to the said Snyder, other than the articles produced in Court and delivered to the Clerk of this Court.

And this Garnashue further insists he is liable and was liable on the consideration of the money coming into his hands to pay the same ^{as} set forth to the persons herein named, which said condition happened

before the garnashee summons was served
on him and this garnashee insists he is and
was liable to pay said money according to
said agreement by which the same came
into his hands, and he does not wish to be
held liable for the same or any part thereof
by the order of this Court -

This Garnashee insists he
has been summoned in this case jointly as a
Garnashee with C. B. Howard and not in
his individual capacity and claims the
benefit thereof. And having answered fully
prays to be discharged with his costs

Subscribed & sworn to
before me this the 12th day
of March 1852⁽²⁾

W. H. Bradley Clerk

My Johnson

Endorsed

Filed March 12th 1852, W. H. Bradley Clerk

And afterward to wit on the 15th day of March in
said March term A.D. 1852 of said Court in the
record of the proceedings thereof is the following
entry to wit -

The People of the State of Illinois
Judgment Creditors of Charles
Goodlope Alias Snyder } Appeal
vs

Madison G. Johnson } The Plaintiff by
Attorney comes and except
to the answer of ^{the} defendant filed herein and by leave of the
Court files interrogatories to the defendant -

The said exceptions & Interrogatories referred to in said last recited order above are in the words and figures following to wit-

State of Illinois Jo Daviess County, ss

The People &c

Judgment Creditors &c

vs

M. G. Johnson, Garnashur

of Goodlope alias

Snyder

Circuit Court March
Term A D 1852

The plaintiffs comes
except to the answer of said

M. G. Johnson and pray leave of the Court to file
and propound to said Johnson the following
additional interrogatories to wit-

1st Were you constituted the Attorney in fact of
said Goodlope alias Snyder by a written or verbal
authority? If in Writing ^{annex} the original or a copy
of said power to your answer

2nd What amount of money was deposited by said
Cozzens with said Bradley belonging said Goodlope
alias Snyder

3^d Did said Bradley retain out of said fund eno-
ugh money to pay said Campbell, Howard, Jones &
Byers or any of them, and pay you over as money
of said Goodlope the balance or did you receive
from said Bradley the whole fund received by
him from Cozzens

4th Have the debts of said Campbell Howard Jones
& Byers, or either of them been paid or provided
for? if yes how & when

5th What instrument or instruments of writings passed
between said Goodlope & yourself relating to said
funds in said Bradley's hand annex copies to your answers

6th What amount was due you for fees at the time said money came into your hands

7th Was the same identical money paid over to you or any part of the same identical money received by said Bradley of said Cozzens

8th What amount remains in your hands not appropriated to the debts of yourself Howard, Campbell, Byers and Jones;

9th What amount of residue remains in your hands (after paying the debts mentioned by you) to be paid over to said half brother of Goodlope

10th What is the name of said half brother? where does he reside?

11th Have you or said Goodlope alias Snyder ever written or corresponded with said half brother on the subject of said money? If yes, what? Annex copies of any letters on both sides

12th What did said Goodlope alias Snyder say to you concerning the payment of said residue to his said half brother? State the particulars

13th Had you at the time of the service of the garnishee process in this case paid the residue, or any of said money to said half brother?

14th Do you know whether said residue was to be paid to said half brother for his own use and benefit or for the use and benefit of said Goodlope alias Snyder, or how?

15th Was said money or the residue after paying said debts to be paid to said half brother to avoid any

attachment or garnishment thereof to pay the
judgments of the people against said Goodlope
& did said Goodlope not design to hinder delay
& defraud the People of said judgment by having
said funds paid over to his said half brother
Endorsed

Filed March 15th 1852

Wm Bradley Clerk

And afterwards to wit on the 20th day of March
in said March term A D 1852 of said Court
in the record of the proceedings thereof in said
cause is the following entry to wit

The People of the State of Illinois
Judgment Creditors of Charles
Goodlope alias Snyder

vs
Special

Madison G Johnson

On motion
of the Plaintiff

Attorney the defendant is ruled by the Court
to answer the interrogatories of the Plaintiff
by Tuesday morning next

And afterwards
to wit on the 23rd day of March in said March
term A D 1852 of said Court the said defendant
Johnson filed in open Court with the Clerk thereof
his answer in the words and figures following
to wit

People & Judgment Creditors &c
of Goodlope alias Snyder
vs

In the Circuit
Court March
Term A D 1852

Madison G Johnson and
Bushrod B Howard - Garnishees

And the said Madison V Johnson for himself comes and answers the Special interrogatories filed in this cause and after being duly sworn makes answer and states in answer to the 1st interrogatory

That he was one of the Attorneys of said Snyder on a charge preferred against him of murder and also one of his Attorneys on a charge preferred against him of Larceny and after he was discharged from said indictment, this affiant acted as his Attorney in attempting to get the money and property claimed by said Snyder of Wm H Bradley and having failed to do so, the said Snyder intending to go away executed the annexed writing to this affiant which is the same writing referred to in my former answer as being executed sometime in the month of October (which writing on the filing of said answer was in the hands of Wm H Bradley) and was then believed to be executed in October and until the same was produced by said Bradley, which said writing was the authority I had as well as being the Attorney at law of Record for said Snyder in suing for and receiving the money and property from said Bradley and when a settlement was made with said Bradley, I handed him the same as an evidence of my authority to make the settlement and receive the money.

In answer to the 2nd interrogatory answering says I do not know further than from information.

In answer to third interrogatory answering says That when the said Bradley and myself settled

he claimed to have advanced three hundred Dollars to B. B. Howard for which he held his (Howard's) bond and also to have paid Dr. Jones \$23.00 and also that he held Snyder's order in favour of Campbell for \$100.00 making in all \$423.00 and it being understood by me that Howard had paid Evers the amount going to him I adopted the disbursements made by said Bradley in our settlement and received from him the balance of the money in his hands being \$407.25 leaving a balance due from said Bradley of \$66.00 which is coming from Howard to said Bradley and from Bradley to me, I have only received as yet \$407.25 in money.

In answer to the fourth interrogatory answering says I can only answer as above.

In answer to the fifth interrogatory answering says The Power of Attorney hereto annexed and an Order on Bradley for four hundred dollars in favour of Howard and myself are all the papers and written instruments, I remember in regard to these funds. In answer to the sixth interrogatory answering says, There was due me for defending said Snyder on the charge of Murder \$200.00 he also agreed to pay me \$50.00 in the larceny case as to the other business I have done for him there was no compensation agreed upon but I was to have a reasonable compensation and I have not yet determined what I shall charge in the larceny case as it was dismissed without a trial or for my subsequent services rendered for said Snyder.

In answer to ~~the~~ 7th interrogatory answering
says I do not know whether it was the ident-
ical money or not

In answer to ~~the~~ eighth
interrogatory Answering Says The amount not
appropriated to myself Howard Campbell Byers &
Jones is the Balance going to the half brother of
Said Snyder, which amount will depend on
the compensation I may charge for my services
as I am to be first paid and he gets only the
residue

In answer to ~~the~~ ninth interrogatory answer-
ing Says I can only state that I expect to pay
over to the Said half Brother such sum or sums
as may remain in my hands after deducting the
amount due me for services rendered as above
stated when called upon

In answer to tenth interroga-
tory Answering Says I do not now recollect his
name but understood that he lived in St Louis
Missouri

In answer to eleventh interrogatory ans-
wering Says I have not corresponded with him
I believe Snyder did, as he^{sr} informed me, I have none
of this letters in my possession and can give no copies

In answer to ~~the~~ twelfth interrogatory an-
swering Says Snyder directed me to pay the
residue to his half brother, which I agreed to do
when the same should come into my hands &
~~xx the Executive Prop was sent on me~~

In answer to fourteenth interrogatory
answering Says I do not know It was to be paid to
the half brother

In answer to thirteenth interrogatory answering says I paid not paid any of said residue
before the service of said writs. I do not think it was more than within 16 days after the money
came into my hands, before the Executive process was served on me

In answer to fifteenth interrogatory answering says
Said money was not to be paid to avoid any
Attachment or Garnishment as no such Garni-
shment had been served or was expected at
that time neither could this Garnishee anticipate
that any such garnishee process would be served
on him; Nor can this Garnishee ^{say} what the design
of the said Snyder was in requiring said
residue to be paid to his half Brother other than
as stated by himself which were the directions
given by said Snyder as to the disposition
of the funds when the same should come into
his hands as before stated.

Subscribed and Sworn to
before me this 23^d day of
March A.D. 1852

Wm. J. Johnson

Wm. H. Brady Clerk

And the Defendant comes and moves the Court
to be discharged on the above and foregoing answer
with his reasonable costs for the following reasons

1st Because he has been summoned jointly with
tho. B. Howard and has no joint effects in his
hands or effects of said Snyder jointly with the
said Howard

2nd Because he has no effects in
his hands either jointly or separately going to, or
belonging to the said Snyder at the time of serv-
ice of said Garnishee process

3rd Because said mon-
ey, if the money of said Snyder was received for
other persons and not for the said Snyder

4th Because said money was received by this
Garnashee as an Attorney of this Court and
is not liable to the process of a garnashee

5th Because there is no valid judgment
against said Snyder on which to base this
Garnishment; the pretended judgment being
only a fine imposed for a contempt of Court in
refusing to answer questions as a witness

6th Because no execution can issue on a judg-
ment for a contempt of Court

7th Because said money was obtained from
Snyder by a trespass and was not liable to be
Garnasheed

8th And for other reasons appearing
in answer and Record

J. P. Stevens

Atty for Defdx

And this defendant in continuation and further
answer to the Sixth interrogatory states that the
Fees of \$200.00 and \$50.00 above named was agreed
upon as the compensation in said cases and
this affiant believes a reasonable compensation for
the other services performed for said Snyder would
be say \$50.00 at least which would leave in this
affiant's hands at the service of the Garnashee
on him the sum of \$107.25 to which may be add-
ed the sum of \$60.00 due from Frank Bradley
which has not yet come into my hands the whole
making \$167.25 this being the amount received
and to be received by me for the said half Bro-
ther aforesaid which amount of \$300.00 as above charged
by me is a reasonable compensation in my judgment

J. Emerson
Filed May 12 1852 W. H. Bradley Clerk

for the services rendered
M. G. Johnson

Subscribed & sworn to
before me this 11th
day of May A D 1852.

Wm. Bradley Clerk

State of Illinois
J. Duwisp County

I, John Snyder do by these pres-
ents ordain constitute and appoint - M. G. Johnson
Esq. my true and lawful attorney in fact - in my
name and by my authority and for my use to sue
for and recover any and all sums of money due
me and detained by Wm. Bradley and all arti-
cles of Property of every name and kind detained
converted or withheld by said Bradley and in
my name and by my authority and for my use to
sue for prosecute and defend all suits actions
and claims growing out of or connected with the
said money and property withheld from me
by said Bradley and generally as my said atto-
ney, do and perform all acts necessary and
proper to enforce my rights in the premises.

Given under my hand & Seal

this the 25th day of Sept A D 1851

Witness

John Byers

John Snyder Seal

Endorsed Filed March 28th 1852.

Wm. Bradley Clerk

And afterwards to wit on the 10th day of May
in May Term AD 1852 of said Court the attorney
for the people filed in open court with the clerk
thereof his motion in the words and figures following
to wit -

State of Illinois vs Darius family

The People &c

Circuit Court May term 1852

vs

The said Plaintiffs come and

say Johnson

move the court for a rule on the

garnishment & said garnishment to answer the 6th sp-
cial interrogatory more particularly & that he set
out the value of his services and the amount he
is justly entitled to besides said \$200. out of said
moneys as a reasonable compensation according
to his best knowledge & judgment.

Hope & Wilson for Plaintiffs

Endorsed Filed

May 10th 1852

J W B Bradley Clerk

And afterwards to wit on the 11th day of May
term 1852 of said Court in the Records of the
proceedings thereof in said cause is the follo-
wing entry to wit:

The People of the State of Illinois vs Appeal Garnisher
on complaint of Charles Goodfellow under the Statute
Alias Snyder

vs

Madison Johnson

Now came on to

be heard the Motion

of the Plaintiff by Attorney

for a further answer on the part of the defend-
ant to the interrogatories on file which motion
after argument of Counsel is sustained by
the Court and the defendant is ruled to answer to-
morrow morning

And afterwards to wit on the 12th day of May in
said May term A.D. 1852 of said Court the
Attorney for the people filed in open Court with
the clerk thereof his motion to charge the gar-
nisher which said motion is in the words and
figures following to wit -

State of Illinois I, Danvers County ss
The People just
Creditors &c } Circuit Court May term A.D. 1852
vs } The plaintiffs move the Court
Mr. J. Johnson } that said garnashee M. V.
Garashee &c } Johnson be held and charged
to the amount of One hundred
and seven Dollars and ^{thirty} five
cents by him in his answer shown to be in ^{his} hands
of said Snyder alias Goodlope or so much thereof
as shall be necessary to pay said judgment against
said Snyder alias Goodlope & the costs and
that judgment be rendered against said
garnisher on said answer according to the
Statute in such case made and provided
By Hoge & Wilson
Attys for Plaintiff

Endorsed

Filed May 12th 1852

W. C. Bradley 3 clerk

And afterward, to wit, on the 24th day of
August in August term A.D. 1852 of said Court
in the Record of the Proceedings thereof in said
Cause is the following entry to wit -

The People of the State of Illinois
Judgment Creditors of Charles Goodlope
Alias Snyder

Appeal

vs
Madison Y Johnson

Now at this
day came on to

be heard the motion of
the defendant by his Attorney, to be discharged from
Garnishment herein which after argument by Coun-
sel is taken under advisement by the Court.

And afterwards to wit on the 30th
day of August, in said August term A.D. 1852
of said Court in the records thereof in said Cause
is the following further entry to wit

The People of the State of Illinois
Judgment Creditors ~~against~~ of
Charles Goodlope Alias Snyder

Appeal

vs
Madison Y Johnson

The plaintiff by
their Attorney come & move the Co-
urt for leave to amend by issuing separate Su-
mmons Against each of the parties Garnished
herein which motion is overruled by the Court.
to which ruling and decision of the Court the
Plaintiffs by their Attorney's except - and now
the Court having fully considered and being
fully advised upon the motion heretofore made
by the defendant by his Attorney for a discharge herein
Sustains the same. It is thereupon considered by
the Court that the Defendant be discharged. to which
ruling and decision the Plaintiffs by Attorney except -
& prays an Appeal to the Supreme Court - Which is
granted by the Court - conditioned that they enter into
Bond in the sum of One hundred Dollars with Wm. C.

Postwick and Wm. B. Green as security within
20 days from date the bond to be a proper appeal
bond to the Defendant

On the hearing of said cause
the following exceptions were made and allowed
to wit

People & Indgt Creditors
of Goodhope Allen Snyder
vs
Madison Y Johnson
In the Circuit Court
March Term 1852
Be it remembered that
on this the ninth day
of March A.D. 1852

at the March term of said
Circuit Court the defendant having filed his Motion
in the words and figures following

^{v. 101}
The People
vs
John Snyder
Garnishment
Before Postwick Just.

Wm Y Johnson comes and moves
the court to quash the Garnishment
Process issued in this entitled cause against him
the said Johnson as a Garnishee

D. P. Stevens

Att. for Deft

Which said Motion to quash the summons was filed
and insisted on by the defendant before the justice
of the peace and now at this day the said
defendant comes into open court and renews
his motion to quash the summons issued
in this cause. and on the hearing of said
motion the Circuit Court overruled the said
motion to quash said summons issued by
said Justice and the defendant to such
ruling by the court in refusing to quash said

summons then and there excepted and
prays this Bill of exceptions may be signed
and sealed according to law

Thos R Sheldon 

Endorsed

Filed March 9th 1852

Wm B Bradley  Clerk

And afterwards to wit on the
18th day of September AD 1852 Wm C. Postwick
filed in said Court with the Clerk thereof a
certain writing obligatory commonly called an
appeal Bond which is the words and figures
following to wit

Know all men by these presents that we
William C Postwick and William B Green
of the County of Jo Daviess and State of Illinois
are held and firmly bound unto Madison
V. Johnson also of the same County and
State in the penal sum of one hundred doll-
ars current money of the United States for the
payment of which well and truly to be made
we bind ourselves our heirs executors and ad-
ministrators jointly severally and firmly by
these presents

Witness our hands and seals this 18th day of
September AD 1852

The condition of the above oblig-
ation is such that whereas the said Madison
V Johnson did on the 30th day of August AD
1852 in the Circuit Court in and for the
County of Jo Daviess and State of Illinois
recover a judgment of discharge on a guar-

which process instituted at the instance of
of the people of ^{the State of} Illinois, judgment-creditors
of Charles Goodlope, alias Snyder from which
said order and judgment of the said Cir-
cuit Court the said People have prayed for and
obtained an appeal to the Supreme Court of said
State. Now if the People, as such judgment-
creditors of Charles Goodlope alias Snyder,
shall duly prosecute their said appeal with
effect and shall moreover pay whatever judg-
ment interest-costs and damages may be
rendered against them in case the said
judgment shall be affirmed in the said Sup-
reme Court, then the above obligation to be void
otherwise to remain in full force and virtue
Taken and ^{entered into} before me
at my Office in Galena this 18th day } Wm. Postwick Seal
of September A.D. 1852 } W. B. Green Seal
Wm. Bradley } Clerk }

Endorsed

Filed September 18th 1852

Wm. Bradley Clerk

State of Illinois

Je. Camp County }
} p

Wm. O. Bradley, Clerk

I the Circuit Court in and for said County, do hereby
certify that the foregoing transcript contains a
true full and perfect copy from the record files
in my Office of all the proceedings which were
had in said Circuit Court in said Case of
The People of the State of Illinois judgment creditors

of Charles Goodlope alias Snyder are Plaintiffs
against Madison V Johnson, Bushrod &
Howard.

In testimony whereof I have hereunto
set my hand and affixed the seal
of said Court at my Office in Galena
in said County, this 3rd day of June
A.D. 1853

Attest William A Bradley Clerk

Recd for this Recd \$8.56

The People of the State
of Illinois Judgment
Creditors of Charles L. Wood & Lumber
Smyder -
H

Mellison W. Johnson &
Berkwood B. Howard

In the Supreme Court
of the State of Illinois
To the June Term A.D. 1853.

And the said People
of the State of Illinois
Judgment Creditors as aforesaid come
and say that in the record & proceedings
aforesaid there is manifest error in this
trial

= First the Court erred in discharging
said Johnson from the Garnishee process -

= Second. The Court erred in rendering
a judgment in favor of said Johnson
where by the Census of the Court it
ought to have been rendered in favor
of the People - Wherefore the said
people pray that the said judgment
may be reversed, annulled & held for
nothing & that the said People may
have a judgment in this Court
for the amount due to them
should be paid to the People now on the
hands of said Johnson or that the
said People may be restored to
all things which they have lost
by reason of said judgment -

Hippis & Hooper
Attorneys for
The People -

For index

Blackwell Jd

7
Propter pudent
auditor de.

7 PD

M. G. Johnson

Record

1853

Supposed

Filed June 13. 1853.
V. H. Laro. Atk.

12067

1853